

Environmental Protection and Growth Management Department  
**ENVIRONMENTAL ENGINEERING AND PERMITTING DIVISION**  
1 North University Drive, Mailbox 201, Plantation, Florida 33324 • 954-519-1483 • FAX 954-519-1412

**Via E-mail to Michael Nichols of Michael J. Nichols & Associates, LLC**

May 24, 2019

Cooper Square 26 LLC  
c/o Harry Dornbusch  
20200 W Dixie Highway  
Aventura, Florida 33180

Re: Cooper Square  
Modification to County License No. DF17-1230

Dear Mr. Dornbusch:

Pursuant to your request dated April 17, 2019, this letter certifies that County Environmental Resource License No. DF17-1230 is hereby modified. This modification authorizes a change in specific conditions E.1. and E.2. which stipulated that an executed draft Conservation Easement would be approved by July 1, 2019. This day has been changed to December 31, 2019 based on the amount of time it is taking to vacate an easement on the property.

All other specific conditions and technical elements of the license not related to the dimensions of the structure, including the February 6, 2023 expiration date, remain as previously authorized. Specific Condition E.1. and E.2. shall be modified as follows (deletions are shown with ~~strike through~~ and changes are **bold**):

E.1. No later than ~~July 1, 2019~~ **December 31, 2019**, the licensee shall submit an approvable executed draft Conservation Easement, an Opinion of Title less than thirty (30) days old, and a Sketch and Legal Description for the on-site mitigation area which conforms to the licensed design.

E.2. If the licensee fails to meet the requirements of Specific Condition E.1. above, 0.10 credit will be purchased from the FPL Everglades Mitigation Bank in addition to the 0.22 credit purchased to satisfy the SFWMD permitting requirements. The reservation letter shall be submitted to EPGMD no later than ~~July 1, 2019~~ **December 31, 2019**.

Attach this letter and drawings to the original license as they become a part thereof. These approved modifications are specific to the County Environmental Resource License for this project; therefore, it is the Licensee's responsibility to make sure that the changes are incorporated in other sets of project-related plans or permits, as necessary, for proper execution by on-site personnel.

If you have any questions regarding this modification approval, please feel free to contact Michelle Decker at (954) 519-1205 or [mdecker@broward.org](mailto:mdecker@broward.org).

Sincerely,

*Linda Sunderland*

Linda Sunderland, NRS  
Natural Resources Section Manager

*May 24, 2019*

Date

ENC:

1. Sec. 27-14 Administrative Review Procedures (4 pages)

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.



Environmental Protection and Growth Management Department

**ENVIRONMENTAL ENGINEERING AND PERMITTING DIVISION**

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June 7, 2018

Mr. Michael Nichols  
M J Nichols & Associates, LLC  
14657 93<sup>rd</sup> Street North  
West Palm Beach, Florida 33412

Re: Cooper Square DF17-1230

Dear Mr. Nichols:

This is to acknowledge receipt of application for transfer of the referenced license issued to Stirling Retail Center, LLC for the Cooper Square commercial project. The request is hereby approved as follows:

License No.	DF17-1230
Transferred from:	Stirling Retail Center, LLC Doral 1 Building 3785 NW 82 <sup>nd</sup> Ave, Suite 107 Doral, Florida 33166
Transferred to:	Cooper Square 26 LLC 20200 West Dixie Highway, Suite 1206 Aventura, Florida 33180

The scope and all other conditions of the license including the expiration date remain the same. Attach this letter to the original as it becomes a part thereof.

Sincerely,

*Linda Sunderland*

Linda Sunderland, NRS  
Natural Resources Manager

Environmental Protection and Growth Management Department  
**ENVIRONMENTAL ENGINEERING AND PERMITTING DIVISION**  
1 North University Drive, Mailbox 201, Plantation, Florida 33324 • 954-519-1483 • FAX 954-519-1412

February 6, 2018

Stirling Retail Center LLC  
c/o Albert Naon Jr.  
Doral 1 Building  
3785 NW 82<sup>nd</sup> Ave., Suite 107  
Doral, FL 33166

Dear Mr. Naon:

This is to notify you of the Environmental Protection and Growth Management Department's action concerning your application received October 13, 2017, for authorization to impact a wetland area at Stirling Road west of NW 94<sup>th</sup> Ave. located in Cooper City, 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. **DF17-1230** 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, NRS  
Natural Resources Section Manager

*February 6, 2018*

Date

ENC:

1. Environmental Resource License
2. Sec. 27-14 Administrative Review Procedures (4 pages)
3. One copy of stamped drawings (17 pages)

CC:

1. Michael J. Nichols, MJ Nichols & Associates, LLC (via e-mail)
2. USACOE-PBG (via e-mail)



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**ENVIRONMENTAL ENGINEERING AND PERMITTING DIVISION**  
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## ENVIRONMENTAL RESOURCE LICENSE

**LICENSEE: Stirling Retail Center LLC**  
**c/o Albert Naon Jr.**  
**Doral 1 Building**  
**3785 NW 82<sup>nd</sup> Ave., Suite 107**  
**Doral, Florida 33166**

**LICENSE NO: DF17-1230**  
**PROJECT:**  
**Commercial –**  
**Wetland Impact and Mitigation**

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 a 7.95 acre commercial development. Currently, the site contains 7.95 acres of uplands, 2.32 acres of jurisdictional wetlands, and no existing surface waters. The following regulated activities are proposed during construction of the aforementioned development: (1) the filling of approximately 2.17 acres of existing wetlands with approximately 7,054 cubic yards of fill; (2) creation of 1.25 acres of wetlands from existing upland; and (3) the enhancement of 0.15 acres of existing wetland within the mitigation area. This license does not authorize impacts to any surface waters.

Unavoidable impacts to 2.17 acres of freshwater herbaceous wetlands shall be offset through 1.4 acres of on-site mitigation. The applicant has proposed an on-site mitigation area with buffers totaling 2.06 acres with a Conservation Easement that fully compensates for impacts to 2.17 acres of Broward County jurisdictional wetlands. The mitigation area has been designed to also meet the lake requirements of the Central Broward Drainage District. Currently, a 7.5' utility easement and 15' drainage easement along the eastern boundary of the site are encumbrances to the Conservation Easement. These easements are in the process of being removed and currently prevent the timely recording of the Conservation Easement.

In order to proceed with site development, the licensee has agreed to an additional mitigation requirement which shall be imposed if the encumbrances are not cleared and a Conservation Easement provided in a timely manner (see specific conditions E.1.-E.4.). The licensee is anticipating release of the conflicting easements by February 2019.

**Location of Work:** This project is located at Stirling Road west of NW 94<sup>th</sup> Ave., Section 05, Township 51 South, Range 41 East, in Cooper City, Florida. Folio Numbers 514105120031, 514105120021 and 514105120020.

Construction shall be in accordance with submitted ERL Application Form received on 10/13/2017, and all additional information submitted; plans stamped by the Department on 02/06/2018 (attached); and with all General and Specific Conditions of this license.

**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.

**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 caused 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 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. TURBIDITY CONDITIONS

1. If a visible turbidity plume is observed leaving the site at any time, the licensee shall:
  - (a) Immediately cease all work contributing to the water quality violation. Operations may not resume until the Department gives authorization to do so.
  - (b) Notify the EPGMD immediately at (954) 519-1499, referencing the license number and project name.
  - (c) Stabilize all exposed material contributing to the water quality violation. Modify the work procedures that were responsible for the violation, and install more turbidity containment devices and/or repair

any non-functioning turbidity containment devices.

2. Connected turbidity curtain segments shall be overlapped and tied at the top and bottom so as to prevent turbidity from escaping through gaps between segments.

D. COMPENSATORY MITIGATION CONDITIONS (ON-SITE)

1. Construction and installation of the Areas shall be in accordance with plans dated 02/06/2018 by the Department (attached) and associated information.
2. The following steps must be taken **prior** to submittal of the Time-Zero monitoring report:
  - (a) 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;
  - (b) Plant installation shall not begin until after the Department has approved the as-built survey.**
  - (c) 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.
  - (d) Plant substitutions or planting plan alterations must be approved by the Department prior to installation;
  - (e) If there are conflicts with any other agency regarding the mitigation area, notify Brandon Justice immediately at 954-519-1228 or at [BJustice@broward.org](mailto:BJustice@broward.org)
3. Once condition D.2. has been approved, a Time-Zero monitoring report may 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.
4. A viable wetland system shall be established that replicates a natural reference wetland in basic structure and function. In order 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 particular area. Exotic and undesirable species include, but are not limited to, *Melaleuca*, Australian pine, Brazilian pepper, *Bischofia*, torpedo grass, primrose willow, cattail, air potato, and *Syngonium*. 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.
  - e. Any preserved or planted species shall be maintained as to exhibit new growth and/or propagation, viability, and overall health.
5. The Area(s) shall be monitored and reports submitted quarterly for five (5) years describing in detail the condition of the Areas relative to the reference wetland and the criteria listed above (C. 4.a-e).
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. Introduction (direct or indirect) of Grass Carp (*Ctenopharyngodon idella*) is strictly prohibited. The Licensee shall properly employ and maintain Grass Carp exclusion devices as necessary to prevent entry into the area.
8. 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.
9. 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.
10. 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.
11. The licensee shall provide any future purchaser(s) of this site with a copy of this license.
12. 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.
13. The Department must be notified of any change of consultant/contractor during the construction and mitigation monitoring phases of this project.
14. 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, with the exception of its normal maintenance.
15. Bird boxes and/or perches must be maintained in perpetuity in conjunction with the mitigation site.

E. CONSERVATION EASEMENT/FINANCIAL ASSURANCE

1. No later than June 1, 2019, the licensee shall submit an approvable executed draft Conservation Easement, an Opinion of Title less than thirty (30) days old, and a Sketch and Legal Description for the on-site mitigation area which conforms to the licensed design.
2. If the licensee fails to meet the requirements of Specific Condition E.1. above, 0.10 credit will be purchased from the FPL Everglades Mitigation Bank in addition to the 0.22 credit purchased to satisfy the SFWMD permitting requirements. The reservation letter shall be submitted to EPGMD no later than July 1, 2019.
3. Upon approval as to form by the County Attorney’s office, the Conservation Easement will be placed on the Board of County Commissioners Agenda for acceptance. The licensee is responsible for all recording costs.
4. The Conservation Easement remains a requirement of this license even if additional credit is purchased.
5. The conservation area shall be the perpetual responsibility of the underlying landowner and may in no way be altered from their natural or licensed state as documented in this license, with the exception of restoration activities. Activities prohibited within the conservation area(s) include, but are not limited to: construction or placement of soil or other substances such as trash; removal or destruction of trees, shrubs or other vegetation (with the exception of exotic/nuisance vegetation) removal; excavation, dredging, or removal of soil material; diking or fencing; and any other activities detrimental to drainage, flood control, water conservation, erosion control or fish and wildlife habitat conservation or preservation.
6. The licensee has provided a Letter of Credit to Broward County EPGMD as financial assurance for this project. The Financial Assurance(s) include(s) construction, monitoring and maintenance costs with a 10% contingency for the total sum of \$103,500.00. After the time zero event and upon EPGMD review and approval of all information required in Specific Condition D.3, 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 D.3 and D.4, and if necessary D.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.

**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 6<sup>th</sup> day of February, 2018**

**Expiration Date: February 6<sup>th</sup>, 2023**

**BROWARD COUNTY ENVIRONMENTAL PROTECTION AND  
GROWTH MANAGEMENT DEPARTMENT**

*Linda Sunderland*

**LINDA SUNDERLAND, NRS  
NATURAL RESOURCES SECTION MANAGER  
ENVIRONMENTAL ENGINEERING AND 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.

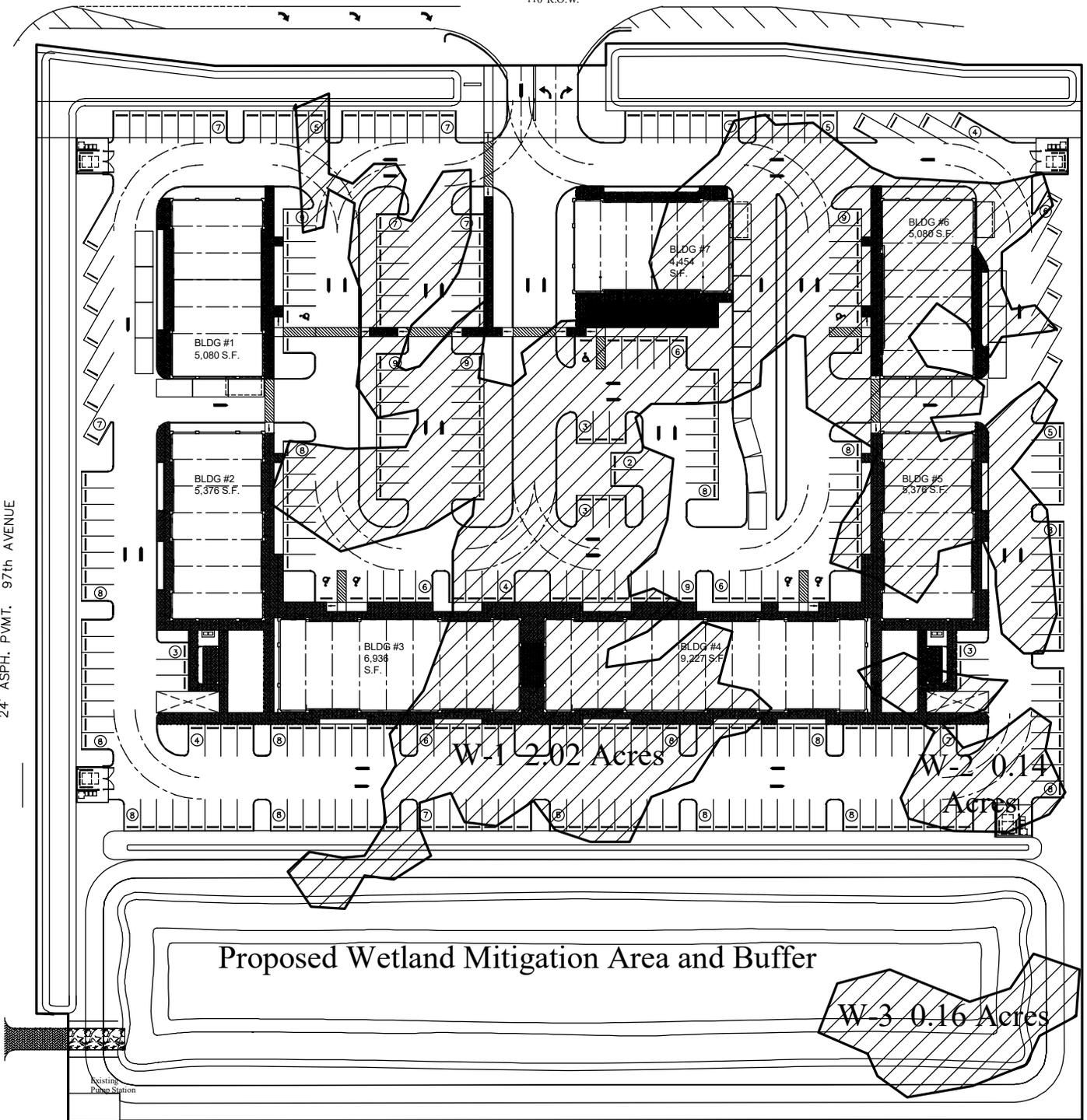
(Ord. No. 2003-34, § 1, 9-23-03; Ord. No. 2005-08, § 2.03, 4-26-05)  
Secs. 27-15--27-19. Reserved.

N



STIRLING ROAD  
110' R.O.W.

24' ASPH. PMT. 97th AVENUE



**LEGEND**



EXISTING WETLANDS TO BE FILLED (RESTORED IN AREAS OF OVERLAP)  
100,968 SF (2.32 AC.)

**M. J. NICHOLS  
& ASSOCIATES, LLC**

14657 93rd St. N.  
WEST PALM BEACH, FL 33412  
TEL.: (561) 753-0554  
FAX: (561) 753-0389  
www.mjnicholsLLC.com

DATE: 10/17

SCALE: 1"=80'

DESIGN BY: MJN

DRAWN BY: MJN

CHECKED BY: MJN

APPROVED BY: MJN

**7.95 ACRE SITE - COOPER SQUARE**  
CITY OF COOPER CITY  
FLORIDA

**DREDGE AND FILL PLAN**

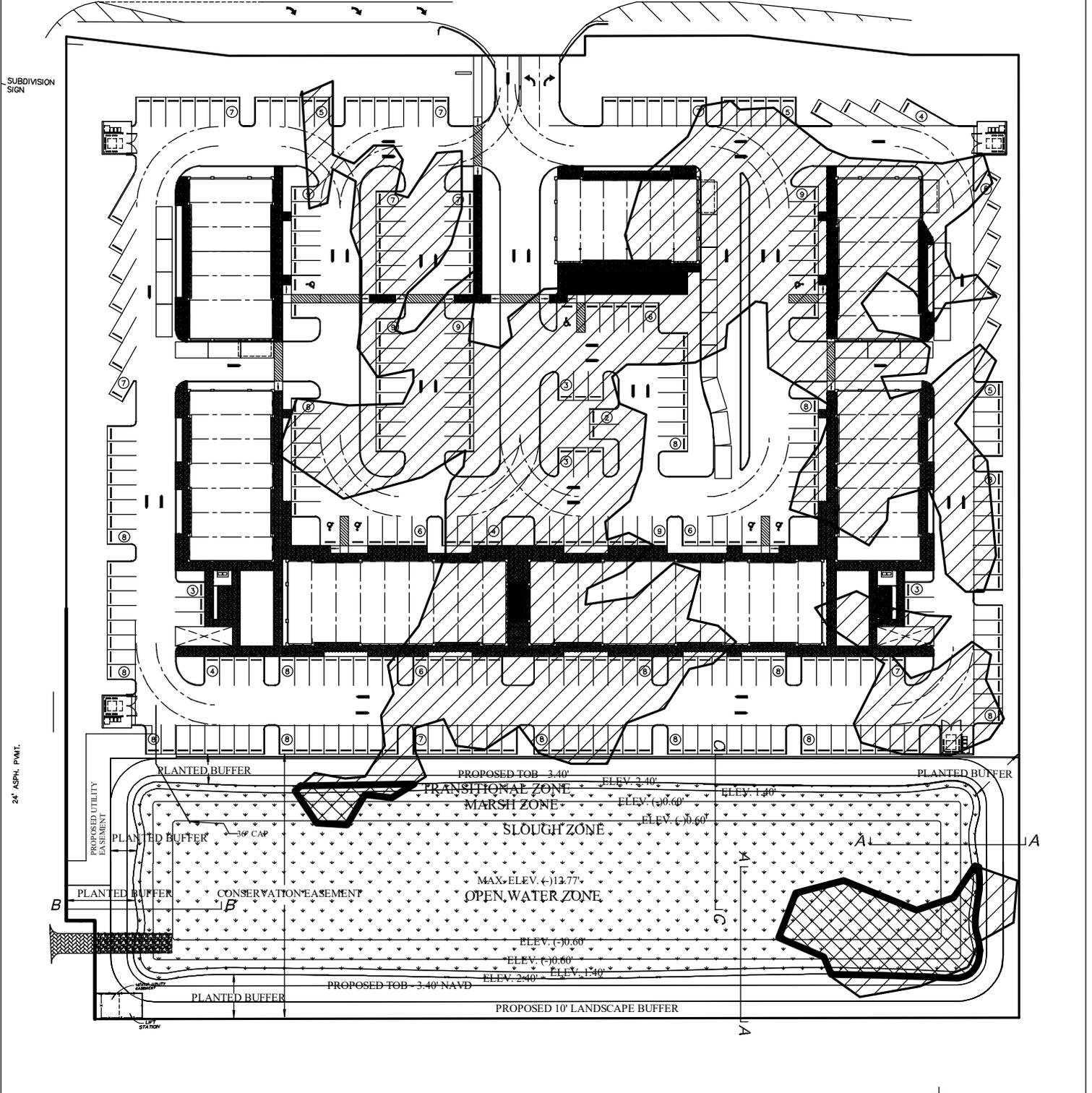
**MJN PROJ. No.:17-208**

**SHEET No.:**  
1 of 1

DESCRIPTION: BY: DATE: APPROVED BY: MJN

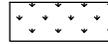
STIRLING ROAD  
110' R.O.W.

SUBDIVISION  
SIGN



**LEGEND**

 EXISTING WETLANDS TO BE FILLED  
94,454 SF (2.17 AC.)

 WETLANDS TO BE CREATED  
54,489 SF (1.25 AC.)

 EXISTING WETLANDS TO BE RESTORED  
6513 SF (0.15 ACRES)

**M. J. NICHOLS & ASSOCIATES, LLC**  
14657 93rd St. N.  
WEST PALM BEACH, FL 33412  
TEL.: (561) 753-0554  
FAX: (561) 753-0389  
www.mjnicholsLLC.com

DATE:	10/17
SCALE:	1"=60'
DESIGN BY:	MJN
DRAWN BY:	MJN
CHECKED BY:	MJN
APPROVED BY:	MJN
DESCRIPTION:	BY: DATE:

**7.95 ACRE SITE - COOPER SQUARE**  
CITY OF COOPER CITY FLORIDA

**WETLAND MITIGATION PLAN**

**MJN PROJ. No.:17-208** **SHEET No.: 1 of 1**

**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>Cooper Square</b>		Application Number <b>DF17-1230</b>		Assessment Area Name or Number <b>Impact Area</b>	
FLUCCs code <b>4240 - Melaleuca</b>		Further classification (optional)		Impact or Mitigation Site? <b>Impact</b>	
Assessment Area Size <b>2.17 Acres</b>					
Basin/Watershed Name/Number <b>New River</b>		Affected Waterbody (Class) <b>III</b>		Special Classification (i.e.OFW, AP, other local/state/federal designation of importance) <b>None</b>	
Geographic relationship to and hydrologic connection with wetlands, other surface water, uplands <b>The overall wetland area is surrounded by existing development.</b>					
Assessment area description <b>The wetlands are exotic dominated, short hydroperiod, isolated wetlands.</b>					
Significant nearby features <b>No major features</b>			Uniqueness (considering the relative rarity in relation to the regional landscape.) <b>Not unique</b>		
Functions <b>Provides little function</b>			Mitigation for previous permit/other historic use <b>No</b>		
Anticipated Wildlife Utilization Based on Literature Review (List of species that are representative of the assessment area and reasonably expected to be found )			Anticipated Utilization by Listed Species (List species, their legal classification (E, T, SSC), type of use, and intensity of use of the assessment area) <b>Little if any</b>		
Observed Evidence of Wildlife Utilization (List species directly observed, or other signs such as tracks, droppings, casings, nests, etc.):					
Additional relevant factors: <b>None</b>					
Assessment conducted by: <b>Michelle Decker</b>			Assessment date(s):		

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>Cooper Square</b>	Application Number: <b>DF17-1230</b>	Assessment Area Name or Number: <b>Impact Area</b>
Impact or Mitigation: <b>Impact</b>	Assessment Conducted by: <b>Michelle Decker</b>	Assessment Date: <b>-</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).		
			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).		
			g. <b>Dependency</b> of downstream habitats on quantity or quality of discharges.		
			h. Protection of wetland functions provided by uplands ( <b>upland AAs</b> only).		

<b>Current</b>	<b>With Impact</b>	Notes: Currently, the impact area habitat offers minimal support for many aquatic species because of a limited width of shallow water shoreline, lack of significant cover, boat wakes, and an eroding upland escarpment. However, dredging will eliminate the sparse seagrasses in the impacted area and lower light levels may result in limited recruitment of seagrass habitat in the impacted area.	Place an "X" in the box above next to the two (2) most important criteria used in scoring this section
<b>3</b>	<b>0</b>		

.500(6)(b) Water Environment (n/a for uplands)			a. Appropriateness of <b>water levels and flows.</b>		
			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>		
			g. <b>Hydrologic stress</b> on vegetation.		
			h. <b>Use by animals</b> with hydrologic requirements.	X	X
			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).	X	X

<b>Current</b>	<b>With Impact</b>	Notes: Water quality is fair to good (305b report). Dredging will temporarily increase turbidity, and decrease PAR light levels. Wildlife usage is minimal because seagrass coverage is sparse and patchy. Manatees use this area as a travel corridor rather than a feeding or resting area. Following dredging, seagrasses will be reduced in the impact area, but the project will provide increased wildlife usage.	Place an "X" in the box above next to the two (2) most important criteria used in scoring this section
<b>2</b>	<b>0</b>		

.500(6)(c) Community Structure			I. Appropriate/desirable species	X	X
			II. Invasive/exotic plant species		
			III. Regeneration/recruitment	X	X
			IV. Age, size distribution.		
			V. Snags, dens, cavity, etc.		
			VI. Plants' condition.		
			VII. Land management practices.		
			VIII. Topographic features (refugia, channels, hummocks).		
			IX. Submerged vegetation (only score if present).		
			X. Upland assessment area		

<b>Current</b>	<b>With Impact</b>	Notes: Species biomass and diversity is limited with a wave washed, benthic habitat with sparse distribution of 2 seagrass species in the impact area. Following dredging, seagrass will be limited because of increased depth.	Place an "X" in the box above next to the two (2) most important criteria used in scoring this section
<b>1</b>	<b>0</b>		

<b>Raw Score</b> = Sum of above scores/30 (if uplands, divide by 20)	
<b>Current</b>	<b>With Impact</b>
0.20	0.00

<b>Impact Acres</b> =	2.17
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<b>Functional Loss (FL)</b> [For Impact Assessment Areas]:	
<b>FL</b> = ID x Impact Acres =	0.434

<b>Impact Delta (ID)</b>	
Current - w/Impact	0.20

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.

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

Site/Project Name <b>Cooper Square</b>		Application Number <b>DF17-1230</b>		Assessment Area Name or Number <b>Restoration/Enhancement</b>	
FLUCCs code <b>4240 - Melaleuca</b>		Further classification (optional)		Mitigation or Preservation? <b>Mitigation</b>	Assessment Area Size <b>0.15 Acres</b>
Basin/Watershed Name/Number <b>New River</b>	Affected Waterbody (Class) <b>III</b>		Special Classification (i.e.OFW, AP, other local/state/federal designation of importance) <b>None</b>		
Geographic relationship to and hydrologic connection with wetlands, other surface water, uplands					
Assessment area description					
Significant nearby features			Uniqueness (considering the relative rarity in relation to the regional landscape.)		
Functions			Mitigation for previous permit/other historic use		
Anticipated Wildlife Utilization Based on Literature Review (List of species that are representative of the assessment area and reasonably expected to be found )			Anticipated Utilization by Listed Species (List species, their legal classification (E, T, SSC), type of use, and intensity of use of the assessment area)		
Observed Evidence of Wildlife Utilization (List species directly observed, or other signs such as tracks, droppings, casings, nests, etc.):					
Additional relevant factors:					
Assessment conducted by: <b>Michelle Decker</b>			Assessment date(s):		

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

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

Site/Project Name: <b>Cooper Square</b>	Application Number: <b>DF17-1230</b>	Assessment Area Name or Number: <b>Restoration/Enhancement</b>
Impact or Mitigation: <b>Mitigation</b>	Assessment Conducted by: <b>Michelle Decker</b>	Assessment Date: <b>-</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 water functions	Minimal level of support of wetland/surface water functions	Condition is insufficient to provide wetland/surface water functions

		Current	With Mitigation		
.500(6)(a) Location and Landscape Support	a. Quality and quantity of <b>habitat support</b> outside of AA.				
	b. <b>Invasive plant species.</b>				
	c. <b>Wildlife access</b> to and from AA (proximity and barriers).				
	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).				
	g. <b>Dependency</b> of downstream habitats on quantity or quality of discharges.				
	h. Protection of wetland functions provided by uplands ( <b>upland</b> AAs only).				
Current		With Mitigation		Notes:	
<b>3</b>		<b>4</b>		Place an "X" in the box above next to the two (2) most important criteria used in scoring this section	

		Current	With Mitigation		
.500(6)(b) Water Environment (n/a for uplands)	a. Appropriateness of <b>water levels and flows.</b>				
	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>				
	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).				
	k. <b>Water quality data</b> for the type of community.				
l. <b>Water depth, wave energy, and currents.</b>					
Current		With Mitigation		Notes:	
<b>2</b>		<b>9</b>		Place an "X" in the box above next to the two (2) most important criteria used in scoring this section	

		Current	With Mitigation		
.500(6)(c) Community structure  <input checked="" type="checkbox"/> Vegetation  <input type="checkbox"/> Benthic  <input type="checkbox"/> Both	I. Appropriate/desirable species				
	II. Invasive/exotic plant species				
	III. Regeneration/recruitment				
	IV. Age, size distribution.				
	V. Snags, dens, cavity, etc.				
	VI. Plants' condition.				
	VII. Land management practices.				
	VIII. Topographic features (refugia, channels, hummocks).				
	IX. Submerged vegetation (only score if present).				
	X. Upland assessment area				
Current		With Mitigation		Notes:	
<b>1</b>		<b>9</b>		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)	
Current	With Mitigation
0.20	0.73

YEAR	T-factor	YEAR	T-factor	YEAR	T-factor
< or = 1	1	11-15	1.46	41-45	3.03
2	1.03	16-20	1.68	46-50	3.34
3	1.07	21-25	1.92	51-55	3.65
4	1.10	26-30	2.18	>55	3.91
5	1.14	31-35	2.45		
6-10	1.25	36-40	2.73		

<b>Relative Functional Gain (RFG)</b> = MD/(TLF x RF) =	0.266
<b>Mitigation Area Required</b> (acres) = FL/RFG =	0.88

<b>Temporal Lag Factor (TLF)</b> = Temporal Lag Table above) (see	1.14
<b>Risk Factor (RF)</b> = [1=no risk, 2=mod risk, 3=hi risk, on 0.25 increments)	1.75

<b>Mitigation Area Size</b> (acres)	0.15
<b>Functional Gain (FG)</b> (RFG x MIT AREA) (should balance with Functional Loss)	0.040

<b>Mitigation Delta (MD)</b>	
w/Mitigation - Current	0.53


<b>Mitigation Deficit</b> (acres)	-0.73
<b>Acres of Impact Offset by this Mitigation Area</b>	0.20

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

Site/Project Name <b>Cooper Square</b>		Application Number <b>DF17-1230</b>		Assessment Area Name or Number <b>Restoration/Enhancement</b>	
FLUCCs code <b>4240 - Melaleuca</b>		Further classification (optional)		Mitigation or Preservation? <b>Mitigation</b>	Assessment Area Size <b>1.25 Acres</b>
Basin/Watershed Name/Number <b>New River</b>	Affected Waterbody (Class) <b>III</b>		Special Classification (i.e.OFW, AP, other local/state/federal designation of importance) <b>None</b>		
Geographic relationship to and hydrologic connection with wetlands, other surface water, uplands					
Assessment area description					
Significant nearby features			Uniqueness (considering the relative rarity in relation to the regional landscape.)		
Functions			Mitigation for previous permit/other historic use		
Anticipated Wildlife Utilization Based on Literature Review (List of species that are representative of the assessment area and reasonably expected to be found )			Anticipated Utilization by Listed Species (List species, their legal classification (E, T, SSC), type of use, and intensity of use of the assessment area)		
Observed Evidence of Wildlife Utilization (List species directly observed, or other signs such as tracks, droppings, casings, nests, etc.):					
Additional relevant factors:					
Assessment conducted by: <b>Michelle Decker</b>			Assessment date(s):		

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

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

Site/Project Name: <b>Cooper Square</b>	Application Number: <b>DF17-1230</b>	Assessment Area Name or Number: <b>Restoration/Enhancement</b>
Impact or Mitigation: <b>Mitigation</b>	Assessment Conducted by: <b>Michelle Decker</b>	Assessment Date: <b>-</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 water functions	Minimal level of support of wetland/surface water functions	Condition is insufficient to provide wetland/surface water functions

		Current	With Mitigation		
.500(6)(a) Location and Landscape Support	a. Quality and quantity of <b>habitat support</b> outside of AA.				
	b. <b>Invasive plant species.</b>				
	c. <b>Wildlife access</b> to and from AA (proximity and barriers).				
	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).				
	g. <b>Dependency</b> of downstream habitats on quantity or quality of discharges.				
	h. Protection of wetland functions provided by uplands ( <b>upland</b> AAs only).				
Current		With Mitigation		Notes:	
<b>0</b>		<b>4</b>		Place an "X" in the box above next to the two (2) most important criteria used in scoring this section	

		Current	With Mitigation		
.500(6)(b) Water Environment (n/a for uplands)	a. Appropriateness of <b>water levels and flows.</b>				
	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>				
	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).				
	k. <b>Water quality data</b> for the type of community.				
l. <b>Water depth, wave energy, and currents.</b>					
Current		With Mitigation		Notes:	
<b>0</b>		<b>9</b>		Place an "X" in the box above next to the two (2) most important criteria used in scoring this section	

		Current	With Mitigation		
.500(6)(c) Community structure  <input checked="" type="checkbox"/> Vegetation  <input type="checkbox"/> Benthic  <input type="checkbox"/> Both	I. Appropriate/desirable species				
	II. Invasive/exotic plant species				
	III. Regeneration/recruitment				
	IV. Age, size distribution.				
	V. Snags, dens, cavity, etc.				
	VI. Plants' condition.				
	VII. Land management practices.				
	VIII. Topographic features (refugia, channels, hummocks).				
	IX. Submerged vegetation (only score if present).				
	X. Upland assessment area				
Current		With Mitigation		Notes:	
<b>0</b>		<b>9</b>		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)	
Current	With Mitigation
0.00	0.73

YEAR	T-factor	YEAR	T-factor	YEAR	T-factor
< or = 1	1	11-15	1.46	41-45	3.03
2	1.03	16-20	1.68	46-50	3.34
3	1.07	21-25	1.92	51-55	3.65
4	1.10	26-30	2.18	>55	3.91
5	1.14	31-35	2.45		
6-10	1.25	36-40	2.73		

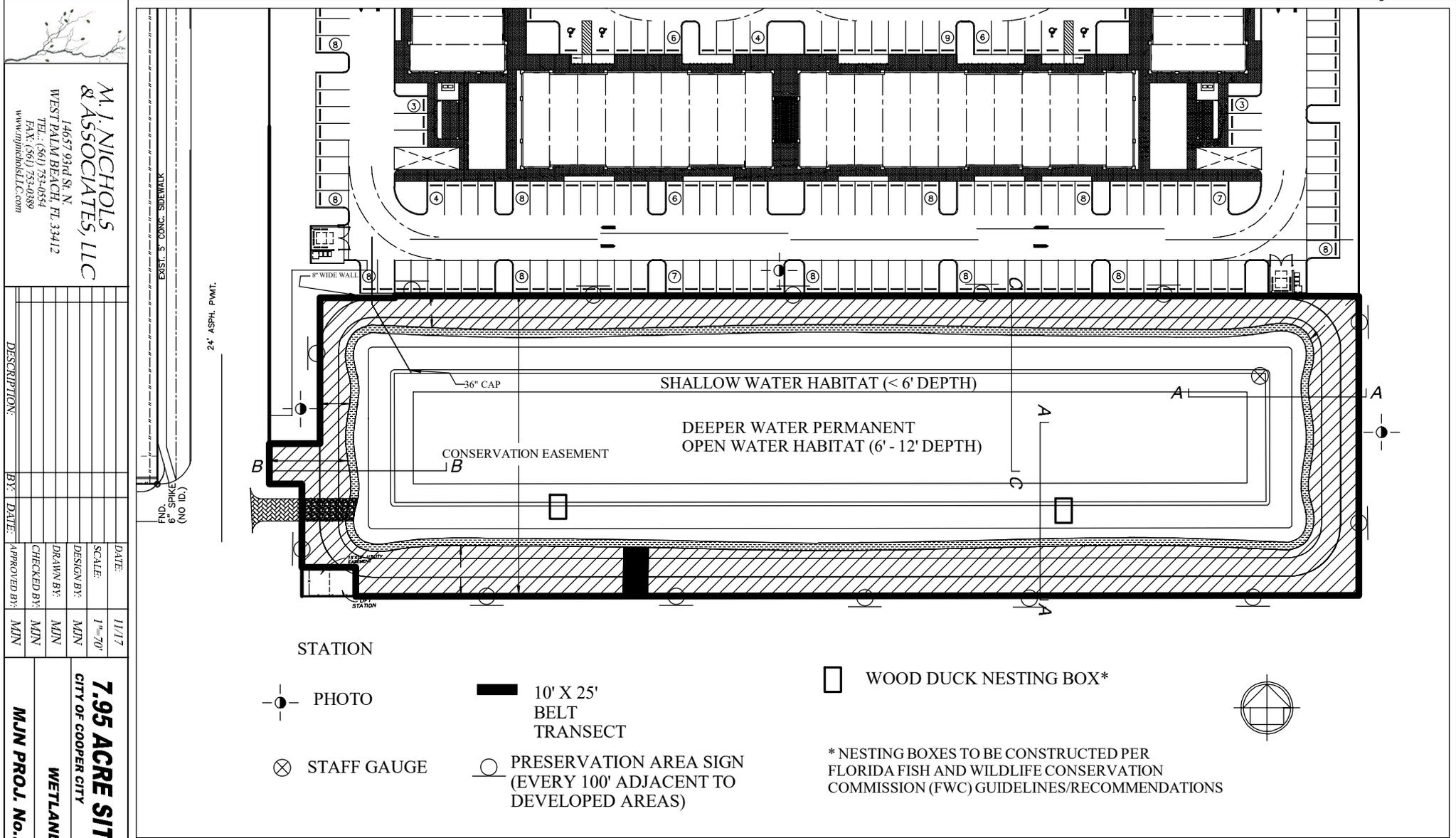
<b>Relative Functional Gain (RFG) = MD/(TLF x RF) =</b>	0.366
<b>Mitigation Area Required (acres) = FL/RFG =</b>	0.64

<b>Temporal Lag Factor (TLF) =</b> Temporal Lag Table above) (see	1.14
<b>Risk Factor (RF) =</b> [1=no risk, 2=mod risk, 3=hi risk, on 0.25 increments)	1.75

<b>Mitigation Area Size (acres)</b>	1.25
<b>Functional Gain (FG) (RFG x MIT AREA)</b> (should balance with Functional Loss)	0.458

<b>Mitigation Delta (MD)</b>	
w/Mitigation - Current	0.73


<b>Excess Mitigation (acres)</b>	0.61
<b>Acres of Impact Offset by this Mitigation Area</b>	2.29



**M. J. NICHOLS & ASSOCIATES, LLC**  
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DATE	SCALE	DESIGN BY	DRAWN BY	CHECKED BY	APPROVED BY
11/17	1"=30'	MJN	MJN	MJN	MJN

**7.95 ACRE SITE - COOPER SQUARE**  
 CITY OF COOPER CITY  
**WETLAND MONITORING PLAN**  
 FLORIDA  
**MJN PROJ. No.: 17-208**  
**SHEET No.:**  
**1 of 1**

- STATION**
- PHOTO
  - ⊗ STAFF GAUGE
  - ⊙ PRESERVATION AREA SIGN (EVERY 100' ADJACENT TO DEVELOPED AREAS)
  - ▬ 10' X 25' BELT TRANSECT
  - WOOD DUCK NESTING BOX\*
- \* NESTING BOXES TO BE CONSTRUCTED PER FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION (FWC) GUIDELINES/RECOMMENDATIONS

**LEGEND**

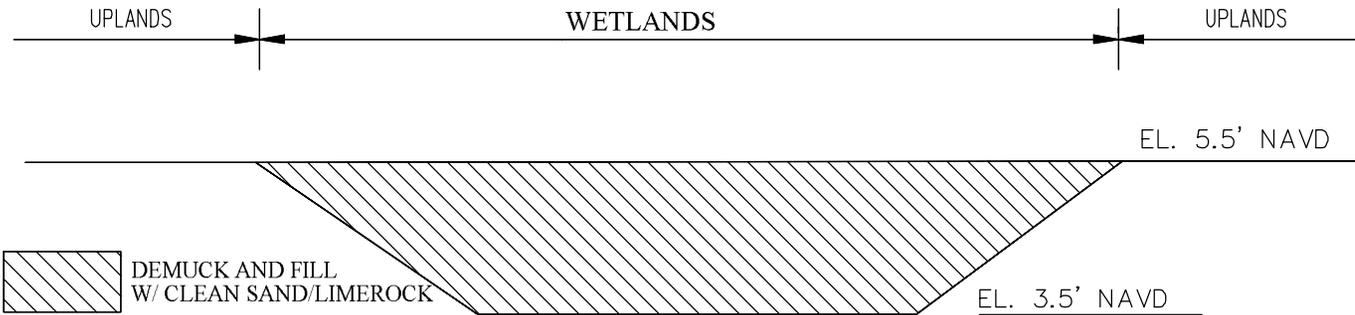
- UPLAND BUFFER  
28,919 SF (0.66 AC.)
- MARSH HABITAT  
21,495 SF (0.49 AC.)
- SLOUGH HABITAT  
2,158 SF (0.05 AC.)
- TRANSITIONAL ZONE  
5,065 SF (0.12 AC.)
- SHALLOW WATER HABITAT  
10,326 SF (0.24 AC.)
- DEEPER WATER HABITAT  
21,905 SF (0.50 AC.)

TOTAL BUFFER AND WETLAND MITIGATION AREA 2.06 ACRES  
 SEE PLANTING PLAN (TEXT) FOR PLANT ZONE SPECIFICATIONS







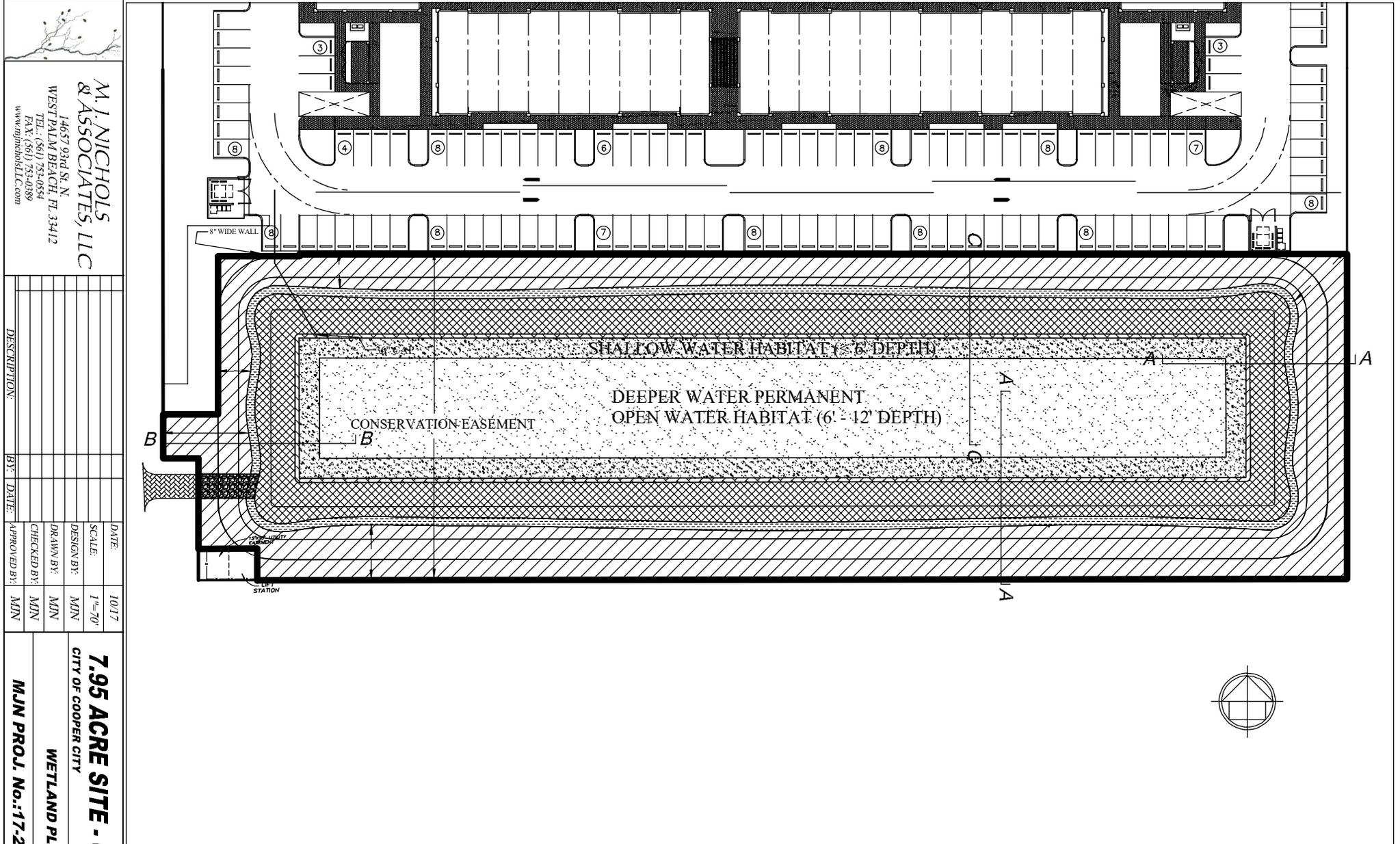


**TYPICAL FILL SECTION**

DATE:	10/17
SCALE:	NTS
DESIGN BY:	MJN
DRAWN BY:	MJN
CHECKED BY:	MJN
APPROVED BY:	MJN
DATE:	
BY:	
DESCRIPTION:	

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**7.95 ACRE SITE - COOPER SQUARE**  
 CITY OF COOPER CITY  
**TYPICAL FILL SECTION**  
 FLORIDA  
 MJN PROJ. No.: 17-208  
 SHEET No.: 1 of 1



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DATE	SCALE	DESIGN BY	DRAWN BY	CHECKED BY	APPROVED BY
10/17	1"=30'	MJN	MJN	MJN	MJN

**7.95 ACRE SITE - COOPER SQUARE**  
CITY OF COOPER CITY  
WETLAND PLANTING PLAN  
FLORIDA  
MJN PROJ. No.: 17-208  
SHEET No.: 1 of 1

**LEGEND**

- |  |                                       |   |
|--|---------------------------------------|---|
| UPLAND BUFFER<br>28,919 SF (0.66 AC.)    | MARSH HABITAT<br>21,495 SF (0.49 AC.) | SHALLOW WATER HABITAT<br>10,326 SF (0.24 AC.) |
| TRANSITIONAL ZONE<br>5,065 SF (0.12 AC.) | SLOUGH HABITAT<br>2,158 SF (0.05 AC.) | DEEPER WATER HABITAT<br>21,905 SF (0.50 AC.)  |

TOTAL BUFFER AND WETLAND MITIGATION AREA 2.06 ACRES  
SEE PLANTING PLAN (TEXT) FOR PLANT ZONE SPECIFICATIONS

02/06/18

# COOPER SQUARE

## WETLAND MITIGATION PLANTING PLAN

**BROWARD COUNTY ERL LICENSE NO. DF17-1230**  
**COOPER CITY, FLORIDA**  
**MJN Project No. 17-208**  
**12/19/2017 REVISED**

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El. 2.40' – 5.50'	Upland Buffer Area (28,919 sq. ft. less LME = 15,906 sq. ft.)	
	<u>Trees (9,003 sq. ft.)</u>	
El. 4.30' – 5.50'	Bald cypress ( <i>Taxodium distichum</i> )	7 gal. Scattered 13
	Bald cypress ( <i>Taxodium distichum</i> )	25 gal. Scattered 2
	Gumbo limbo ( <i>Bursera simaruba</i> )	45 gal. Scattered 16
	Dahoon holly ( <i>Ilex cassine</i> )	15 gal. Scattered 9
	Sweet bay ( <i>Magnolia virginiana</i> )	7 gal. Scattered 10
	Live oak ( <i>Quercus virginiana</i> )	45 gal. Scattered 4
	<b>Subtotal</b>	<b>54</b>
	<u>Shrubs (9,003 sq. ft.)</u>	
El. 4.30' – 5.50'	Beautyberry ( <i>Callicarpa Americana</i> )	1 gal. 4' O.C. 60
	Gallberry ( <i>Ilex glabra</i> )	1 gal. 4' O.C. 60
	Florida privet ( <i>Forestiera segregata</i> )	1 gal. 4' O.C. 62
	Simpson stopper ( <i>Myrcianthes fragrans</i> )	1 gal. 4' O.C. 62
	Firebush ( <i>Hamelia patens</i> )	1 gal. 4' O.C. 256
	Wild coffee ( <i>Psychotria nervosa</i> )	1 gal. 4' O.C. 50
	Myrsine ( <i>Myrsine guianensis</i> )	1 gal. 4' O.C. 50
	Cocoplum ( <i>Chrysobalanus icaco</i> )	1 gal. 4' O.C. 50
	<b>Subtotal</b>	<b>650</b>
	<u>Ground Cover (9,003 sq. ft.)</u>	
El. 4.30' – 5.50'	Cordgrass ( <i>Spartina bakeri</i> )	1 gal. Scattered 135
	<b>Subtotal</b>	<b>135</b>
El. 3.40' – 4.30'	<u>Lake Maintenance Easement (13,013 sq ft.)</u>	
	Paspalum ( <i>Paspalum vaginatum</i> )	Plugs 2' O.C. 3,800
	<b>Subtotal</b>	<b>3,800</b>
	<u>Ground Cover (6,903 sq. ft.)</u>	
El. 2.40' – 3.40'	Fakahatchee grass ( <i>Tripsacum dactyloides</i> )	1 gal. 3' O.C. 295
	Muhlygrass ( <i>Muhlenbergia capillaris var. filipes</i> )	1 gal. 3' O.C. 295
	Cordgrass ( <i>Spartina bakeri</i> )	1 gal. 3'O.C. 295
	<b>Subtotal</b>	<b>885</b>

**Total Upland Buffer Plants 5,524**

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El. 2.40' – 1.40'	Transitional Wetland Area (5,065 sq. ft.)		
	Button bush ( <i>Cephalanthus occidentalis</i> )	3 gal. 3'O.C.	169
	Sawgrass ( <i>Cladium jamaciense</i> )	3 gal. 3'O.C.	160
	Cordgrass ( <i>Spartina bakeri</i> )	3 gal. 3'O.C.	160
	Leather fern ( <i>Acrostichum danaeifolium</i> )	3 gal. 3'O.C.	160
		<b>Subtotal</b>	<b>649</b>

El. 1.40' – (-)0.60'	Marsh Area (21,495 sq. ft.)		
	Pickerelweed ( <i>Pontederia cordata</i> )	BR 3'O.C.	345
	Soft-stemmed Bulrush ( <i>Scirpus validus</i> )	BR 3'O.C.	345
	G.C.Spikerush ( <i>Eleocharis cellulosa</i> )	BR 3'O.C.	345
	Spikerush ( <i>Eleocharis interstincta</i> )	BR 3'O.C.	345
	Yellow canna ( <i>Canna flacida</i> )	BR 3'O.C.	345
	Arrowhead ( <i>Sagittaria lancifolia</i> )	BR 3'O.C.	345
	Duck potato ( <i>Sagittaria latifolia</i> )	BR 3'O.C.	345
	Soft rush ( <i>Juncus effusus</i> )	BR 3'O.C.	345
		<b>Subtotal</b>	<b>2,760</b>

El. (-)0.60' - El. (-)1.26'	Slough (2,158 sq. ft.)		
	White water lily ( <i>Nymphaea odorata</i> )	BR 4'O.C.	80
	Bladderwort ( <i>Utricularia inflata</i> )	BR 4'O.C.	75
		<b>Subtotal</b>	<b>155</b>

**Total Wetland Plants 3,564**

**Total Plants 9,088**

**Planting elevations for individual plants unless otherwise noted above may be planted throughout the habitat zone unless field conditions prior to planting dictate otherwise, and as recommended by the environmental specialist overseeing the project.**

**A Habitat Enhancement Feature (HEF) will be added to provide additional wildlife values. Two (2) wood duck nesting boxes will be constructed and placed at appropriate elevations within the wetland mitigation area as shown on the graphic.**

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**COOPER SQUARE  
7.95± ACRE SITE – COOPER CITY  
BROWARD COUNTY FLORIDA  
MJN PROJECT NO. 17-208  
BROWARD COUNTY LICENSE NO. DF17-1230**

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**MITIGATION COST ESTIMATE  
November 17, 2017**

<b>ITEM</b>	<b>ESTIMATED COST</b>
<b>Earthwork</b>	<b>\$60,000.00</b>
<b>Plant material (installed)</b>	<b>\$15,500.00</b>
<b>Monitoring (5 yrs.)</b>	<b>\$20,000.00</b>
<b>Maintenance (5 yrs.)</b>	<b>\$8,000.00</b>
<b>Total</b>	<b>\$103,500.00</b>

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