

SITE DEVELOPMENT AGREEMENT  
(Pompano 2 Site)

This Site Development Agreement (“**Agreement**”) is entered into as of the \_\_\_\_ day of \_\_\_\_\_, 2017, between INDUSTRIAL DEVELOPMENTS INTERNATIONAL, LLC, a Delaware limited liability company, having an address of 1100 Peachtree Street NE, Suite 1000, Atlanta, GA 30309 (“**IDI**”) and the City of Pompano Beach, a Florida municipal corporation, having an address of 100 West Atlantic Boulevard, Pompano Beach, Florida (“**City**”).

W I T N E S S E T H

WHEREAS, IDI is the owner of property located on the northwest corner of the intersection of West Copans Road and Blount Road in the City of Pompano Beach, Broward County, Florida, as further described in Exhibit “A” attached hereto and incorporated herein (“**Property**”); and

WHEREAS, the City’s Planning & Zoning Board approved a site plan application for the construction of an industrial building on the Property with associated site and landscaping improvements (P&Z No. 15-12000066) (“**Site Plan**”); and

WHEREAS, IDI has requested the City to issue a separate site development permit that will allow the removal, relocation, replacement or non-removal and protection of certain trees on the Property, exclusive of the vertical construction work associated with the Building Permit (“**Site Development Permit**”); and

WHEREAS, by this Agreement, IDI is providing specific obligations for site restoration and financial security in order to assure the City that the Property will be left in an acceptable condition upon completion of the Site Development Work in the event that vertical construction of the Project has not commenced.

WHEREAS, the City deems the Property, as developed in accordance with the Site Plan, an authorized development, and accordingly has agreed to extend the time for Removed Trees to be planted; and

WHEREAS, the removal, non-removal, relocation, replacement or protection of the trees on the Property as described herein, as applicable, will be in conformance with the wetland and wildlife survey attached hereto as Exhibit “B” and will help facilitate the wetland mitigation requirements as set forth in Broward County Environmental Resource License No. DF16-1067 attached hereto as Exhibit “C”; and

WHEREAS, a portion of the Property lying beneath the tree canopy has been utilized by transient individuals, and IDI has agreed to remove the tree canopy to assist in relocating such transient individuals to other facilities; and

WHEREAS, IDI has agreed to provide certain financial assurances to ensure the timely replacement of the Removed Trees and protection of the Remaining Trees, in conformance with the provisions of this Agreement and Code requirements.

NOW THEREFORE, in consideration of the foregoing and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree as follows:

1. The recitals to this Agreement are true and correct and are incorporated herein by reference and made a part hereof.
2. To comply with certain conditions of the Development Order, and pursuant to Section 155.2411 of the City's Code of Ordinances ("Code"), IDI has applied for, and City has agreed to issue, subject to the terms of this Agreement, a land clearing, grubbing and tree permit (the "**Site Development Permit**") authorizing, among other things, the removal, relocation, replacement or non-removal and protection of certain trees on the Property as follows:
  - a. Those trees to be removed from the Property and replaced are depicted in the attachment to the Site Plan attached as Exhibit "D" (the "**Removed Trees**");
  - b. Those trees to be relocated to a different part of the Property are depicted in the attachment to the Site Plan attached as Exhibit "D" (the "**Relocated Trees**");
  - c. Those trees to remain in their current location are depicted in the attachment to the Site Plan attached as Exhibit "D" (the "**Remaining Trees**"); and
3. In consideration of City's issuance of the Site Development Permit, IDI agrees to undertake the following at its sole cost:
  - a. Cause the removal of the Removed Trees, and pay City's fees for such removal (where applicable), in accordance with Code Section 155.5204(C) (the "**Removal Fees**"). It is understood and acknowledged that the Removal Fees, once paid, shall be deemed paid in full and, shall not be due or payable in connection with the issuance of any other permit, license or approval (including building permits). Removal Fees shall be paid at the time of permit issuance.
  - b. Cause the Relocated Trees to be relocated, and pay City's fees and costs for such relocation, including (a) posting security where applicable, in accordance with Code Section 155.5204(D), pursuant to Section 4 below.
  - c. During the performance of any site work on the Property (including the removal of the Removed Trees and the relocation of the Relocated Trees),

undertake protective measures for the Remaining Trees in accordance with Code Section 155.5204(F).

- d. With respect to Removed Trees and Relocated Trees, IDI shall cause temporary irrigation and sod to be installed within ninety (90) days of completion of the Work, as determined by City in its reasonable discretion. Such temporary irrigation shall remain on-site until the issuance of a building permit for the principal structure on the Property.
- e. Drought-resistant sod or drought-resistant ground cover shall be installed on the entire disturbed areas before close-out of the Site Development Permit and thereafter maintained. All asphalt, rock, and other non-natural materials shall be removed and re-filled to the undisturbed lot level with clean soil before any planting or installation of the required drought-resistant sod or ground cover.

The work contemplated in this Section 3 is referred to hereafter collectively as the “**Site Development Work**”.

4. IDI shall provide a letter of credit or cashier’s check to the City in the amount of \$413,000, which represents 125% of the site restoration and tree removal costs arising from the Site Development Work (as set forth in attached Exhibit “E”), prior to issuance of the Site Development Permit.

5. All Site Development Work shall be completed no later than six (6) months from commencement of Site Development Work. In the event a building permit is issued and vertical construction has commenced in accordance with the building permit within the six (6) month period noted above, the Site Restoration Work shall not be required and the letter of credit or cashier’s check shall be returned to IDI within ten (10) business days.

6. Notwithstanding the provisions of this Agreement, the Property shall be developed in accordance with the Site Plan.

7. IDI acknowledges that issuance of the Site Development Permit does not vest the Project from any applicable expiration periods for the Site Plan as established by the Code. The Project shall be vested from such expiration periods upon issuance of the building permit.

8. This Agreement shall be construed in accordance with the laws of Florida and venue shall be in Broward County, Florida.

9. This Agreement shall not be modified, waived, amended or released as to any portion of the Property except by written instrument executed by the owner of the Property and approved in writing by the City of Pompano Beach.

**[SIGNATURES APPEAR ON FOLLOWING PAGES]**

This Agreement is agreed to and acknowledged by IDI and City as of the date first stated above.

**"CITY":**

Witnesses:

**CITY OF POMPANO BEACH**

\_\_\_\_\_

By: \_\_\_\_\_  
LAMAR FISHER, MAYOR

\_\_\_\_\_

By: \_\_\_\_\_  
GREGORY P. HARRISON, CITY MANAGER

Attest:

\_\_\_\_\_  
ASCELETA HAMMOND, CITY CLERK

(SEAL)

Approved As To Form:

\_\_\_\_\_  
MARK E. BERMAN, CITY ATTORNEY  
STATE OF FLORIDA

COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2017 by **LAMAR FISHER** as Mayor, **GREGORY P. HARRISON** as City Manager and **ASCELETA HAMMOND** as City Clerk of the City of Pompano Beach, Florida, a municipal corporation, on behalf of the municipal corporation, who are personally known to me.

NOTARY'S SEAL:

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF FLORIDA

\_\_\_\_\_  
(Name of Acknowledger Typed, Printed or Stamped)

\_\_\_\_\_  
Commission Number

"IDI":

INDUSTRIAL DEVELOPMENTS  
INTERNATIONAL, LLC, a Delaware  
limited liability company

WITNESSES:

Mark A. Jacobs  
Print name: MARK A JACOBS

Clare Armbruster  
Print name: Clare Armbruster

By: [Signature]  
Print Name: Robert Stephens  
Title: Market Officer

29th day of August, 2017

KENTUCKY  
STATE OF ~~FLORIDA~~ )  
 ) SS:  
COUNTY OF KENTON )

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by Robert Stephens, the Market Officer of INDUSTRIAL DEVELOPMENTS INTERNATIONAL, LLC, a Delaware limited liability company, freely and voluntarily under authority duly vested in him/her by said company. He/She is personally known to me or who has produced \_\_\_\_\_ as identification.

WITNESS my hand and official seal in the County and State last aforesaid this 29th day of August, 2017.

Ruthann Flowers (Ladenburger)  
Notary Public

Ruthann Flowers (Ladenburger)  
Typed, printed or stamped name of Notary Public

My Commission Expires: 9/11/2018



**EXHIBIT "A"**

**PROPERTY**

Parcel "A", **ALPHA 250 NORTH**, according to the Plat thereof, as recorded in Plat Book 180, Page 14, of the Public Records of Broward County, Florida.

Said lands situate, lying and being in the City of Pompano Beach, Broward County, Florida, and containing 11.2815 acres (491,422 square feet), more or less.

**EXHIBIT "B"**

WILDLIFE SURVEY

[SEE ATTACHED]



March 21<sup>st</sup>, 2016

Mr. Wade Collum  
Urban Forester  
City of Pompano Beach  
100 West Atlantic Blvd.  
Pompano Beach, FL 33060

**RE: Wetlands and Wildlife**  
City of Pompano Beach Application No. PZ15-12000066

Reference is made to the subject property for "IDI – Pompano Business Center" located at the NW corner of the intersection of Copans Road and Blount Road, Pompano Beach (Section 21, Township 48 South, Range 42 East), in Broward County, Florida.

The subject property, including wetlands, has been reviewed by Broward County Environmental Protection and Growth Management Department (BCEPGMD) on behalf of Broward County, the Department of Environmental Protection (DEP) and the South Florida Water Management District (SFWMD) pursuant to an agreement between EPD, DEP and the SFWMD. Based on information submitted, Environmental Resource Standard General Permit No. 06-05722-P was issued, surface water management license NO. SWM2009-007-0 was issued and the plans and documents submitted to (BCEPGMD) were previously approved and stamped with (ERL) No. DF07-1232. Site conditions have not changed. The mitigation for wetland impacts includes onsite and offsite mitigation and was previously reviewed and approved by BCEPGMD. Based on the proposed project design, agency staff determined that the project will not cause adverse secondary or cumulative impacts to the water resources or wildlife and is not contrary to the public interest.

During previous permitting, recent evaluations and tree inventories by Miller Legg staff biologists' onsite, no state or federally protected animal species were observed. Minimal observations of any species of bird or mammal were noted. The review of the site by BCEPGMD included an evaluation of wildlife utilization as well. If the site is left, as is, invasive exotic trees will continue to create a monoculture environment which is not beneficial to native wildlife or trees.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Mohler III".

William R. Mohler III  
Environmental

WM/Principal A handwritten signature in black ink, appearing to be initials "WH".  
Attachments: Exhibit A – BCEPGMD permit DF07-1732

CC: Scott Helms via email [scott.helms@brookfieldlogistics.com](mailto:scott.helms@brookfieldlogistics.com)  
Mike Gai via email [mgai@suntecheng.com](mailto:mgai@suntecheng.com)

**IMPROVING COMMUNITIES. CREATING ENVIRONMENTS.**

South Florida Office: 5747 N Andrews Way • Fort Lauderdale, Florida 33309-2364  
(954) 436-7000 • Fax: (954) 493-6539  
[www.millerlegg.com](http://www.millerlegg.com)





Environmental Protection and Growth Management Department  
**DEVELOPMENT AND ENVIRONMENTAL REGULATION DIVISION**  
One N. University Drive • Suite 201 • Plantation, Florida 33324-2020 • 954-519-1483 • FAX 954-519-1496

April 10, 2009

Industrial Development Industries (IDI)  
Attention: Scott Helms  
515 East Las Olas Boulevard, Suite 960  
Fort Lauderdale, FL 33301

RE: IDI - Pompano Business Center (Phase II)  
City of Pompano Beach, S/T/R (21-48-42)

This is to notify you of the Environmental Protection Department's (EPD) action concerning your application received 12/20/2007. The application has been reviewed for compliance with the following requirements:

**ERP Review - GRANTED**

EPD has the authority to review the project for compliance with Rule 40E-1.603 and Chapter 40E-40 of the Florida Administrative Code pursuant to an agreement between EPD, DEP and the SFWMD. The agreement is outlined in a document entitled "DELEGATION AGREEMENT AMONG THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT, AND BROWARD COUNTY."

Based on the information submitted, Environmental Resource Standard General Permit No. 06-05722-P was issued on 04/10/2009.

**Broward County Surface Water Management Review - GRANTED**

EPD has reviewed the project for compliance with the Surface Water Management requirements of Chapter 27, Article V Sec. 27-191 through 27-202 of the Broward County Code.

Based on the information submitted, Surface Water Management License No. SWM2009-007-0 was issued on 04/10/2009. The above named 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 licensee, and made a part hereof.

Please be advised that no Certificate of Occupancy can be issued on this project until released, in writing, by all EPD divisions as required. Such release will be pending approval of any engineering certifications required by specific condition No. 15.

**Broward County Environmental Resource License Review - GRANTED**

EPD has reviewed the project, and the construction shall be in accordance with Application DEP form 62-343.900 (1), the EPD Addendum, and all associated information received on 12/19/2007. Based on the information submitted, the plans have been approved and stamped with Broward County Environmental Resource License (ERL) No. DF07-1232.

The above referenced approvals will remain in effect subject to the following:

1. Not receiving a filed request for a Chapter 120, Florida Statutes administrative hearing;
2. the attached SFWMD General Conditions;
3. the attached SFWMD Special Conditions;
4. the attached Broward County General Conditions;
5. the attached Broward County Specific Conditions;
6. the attached 15 exhibits.

Should you object to these conditions, please refer to the attached "Notice of Rights" which addresses the procedures to be followed if you desire a public hearing or other review of the proposed action. Please contact this office if you have any questions concerning this matter. If we do not hear from you in accordance with the attached "Notice of Rights", we will assume you concur with the action taken by EPD.

# CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a "Notice of Rights" has been mailed to the Permittee (and the persons listed in the attached distribution list) no later than 5:00 p.m. on 04/10/2009, in accordance with Section 120.60 (3), Florida Statutes.

By: *Leonard Vialpando*  
for Leonard Vialpando, P.E.  
Surface Water Management Licensing Section

Enclosed are the following:

- ☒ executed staff report;
- ☒ set(s) of stamped and approved plans;
- ☐ application fee receipts;
- ☒ Notice of Rights; and
- ☒ Inspection Guidelines Brochure.



ENVIRONMENTAL PROTECTION DEPARTMENT - Water Resources Division  
Mailing Address: 115 South Andrews Avenue, Room A-240 • Fort Lauderdale, Florida 33301 954-519-1270 • FAX 954-519-1486

## **"What to Expect When We Are Inspecting Surface Water Management Systems"**

*A guideline for engineers, contractors, and licensees of surface water management systems pertaining to the release of certificates of occupancy.*

The intent of this document is to establish some guidelines to achieve compliance with the Code while maximizing customer service needs to licensees and their agents and the local building departments by facilitating the Certificate(s) of Occupancy (CO) release procedure for building projects. It is also our intent of this document to encourage licensees and their agents and the local building departments to not put our inspection staff on the "critical path". *We recognize that the local building departments must adhere to the requirements of the South Florida Building Code and the requirements of Article I of the Broward County Natural Resource Protection Code.*

The Water Resources Division - Surface Water Management Licensing program has the responsibility of reviewing designs, licensing, and inspecting surface water management systems within portions of Broward County under the provisions of the Broward County Natural Resource Protection Code, Chapter 27, Section 27-191 through Section 27-201. This includes enforcement for the purpose of protecting our natural resources. This document contains specific information about the Division's surface water management inspection procedures, review of record/as-built drawings, and time required to complete the procedure successfully. We hope that you find this information useful and welcome your input to improve the process. Please be advised this document may be included with the approved license and may be modified on an as needed basis. Extra copies may be made available at your request.

*The following certification package must be submitted at least two (2) weeks prior to the anticipated date of occupancy - exceptions may be made on a case by case basis. Note: Items 1 & 2 are not applicable to plans stamped as General Licenses (GL##-###). Items 3 & 4 can apply to GL if plans are stamped for construction certification.*

1. Final Record/As-built Drawings (hard copy & AutoCad/electronic format) of the Site and Lake/Canal Slopes (where applicable),
2. Final Record/As-built Drawings of the Control Structure(s) or Overflow Structure(s) (where applicable),
3. Signed and Sealed Letter from a Florida Registered Professional Engineer Certifying All Components of the Surface Water Management System Were Constructed in Substantial Conformance with the DPEP Approved Plans, and
4. A \$100 partial certification fee (fees are subject to change) when a partial certification is submitted. *The certifying engineer must indicate that a substantial amount of the water management system has been constructed to serve the partial phase to satisfy the water quality and water quantity requirements of the Code and exactly which lots/buildings are requested for release.*

**Staff will perform an inspection on a first come first served basis of the above items. A successful submittal of the required items will prevent unwanted delays in the inspection and CO release processes.**

.....

**WHAT WE LOOK FOR DURING THE RECORD/AS-BUILT DRAWING REVIEW AND DURING THE INSPECTION:**

1. The engineer's letter must contain the appropriate certification language. The suggested wording is located in the Code and in the specific conditions of the license. The letter must be signed and sealed. ***It is imperative that the engineer of record describe any minor modifications to the system that were made during the construction of the project.*** However, substantial modifications must have received prior approval by DPEP.
2. In addition to rim, manhole, & pipe invert elevations, the plans should contain a substantial amount of survey information to show that the site grades and perimeter grades were constructed in substantial conformance with the DPEP approved plans.
3. If part of the approved system, lake & canal slope as-built plans should contain a substantial number of cross sections (a minimum of 1 section per 50 linear feet is preferred) to show compliance with the Department's slope criteria. ***The staff reserves the right to require additional slope cross sections as necessary as well as slope regrading.*** Surface area calculations at the control elevation should be submitted for lakes.
4. Control structure or overflow structure information must show all (as-built) dimensions and elevations.
5. All catch basin & manhole structures must have appropriate mudwork to prevent seepage that could lead to structure/asphalt failures & subsequent turbidity violations.
6. All catch basins, manholes, & pipes must be relatively free of sediment & debris and must be accessible to staff. Arrangements should be made with staff for inspecting basins that are covered with fabric materials for sediment control purposes. Fabric must be removed by the licensee or other appropriate personnel prior to the inspection.
7. Lake, canal, swale, dry detention/retention area slopes must be stabilized through appropriate measures, i.e, no evidence of erosion or sedimentation should be encountered during the inspection. Arrangements should be made with staff with regards to timeliness of sodding or seeding slopes and bottoms of dry detention/retention areas.
8. All baffle mechanisms must be water tight at all contact surfaces of basin walls by a durable gasket device.

***Successful compliance with the above items will insure a timely release of the of Certificate(s) of Occupancy from division staff.***

Upon completion of the field inspection, arrangements with inspection staff will be made to correct all observed field deficiencies. With your cooperation, Certificate(s) of Occupancy will be released upon correction of all field deficiencies.

**40e-4.321 Duration of Permits**

(1) Unless revoked or otherwise modified, the duration of an environmental resource permit issued under this chapter or Chapter 40E-40, F.A.C. is as follows:

(a) For a conceptual approval, two years from the date of issuance or the date specified as a condition of the permit, unless within that period an application for an individual or standard general permit is filed for any portion of the project. If an application for an environmental resource permit is filed, then the conceptual approval remains valid until final action is taken on the environmental resource permit application. If the application is granted, then the conceptual approval is valid for an additional two years from the date of issuance of the permit. Conceptual approvals which have no individual or standard general environmental resource permit applications filed for a period of two years shall expire automatically at the end of the two year period.

(b) For a conceptual approval filed concurrently with a development of regional impact (DRI) application for development approval (ADA) and a local government comprehensive plan amendment, the duration of the conceptual approval shall be two years from whichever one of the following occurs at the latest date:

1. the effective date of the local government's comprehensive plan amendment.
2. the effective date of the local government development order.
3. the date on which the District issues the conceptual approval, or
4. the latest date of the resolution of any Chapter 120.57, F.A.C., administrative proceeding or other legal appeals.

(c) For an individual or standard general environmental resource permit, five years from the date of issuance or such amount of time as made a condition of the permit.

(d) For a noticed general permit issued pursuant to chapter 40-E-400, F.A.C., five years from the date the notice of intent to use the permit is provided to the District.

(2)(a) Unless prescribed by special permit condition, permits expire automatically according to the timeframes indicated in this rule. If application for extension is made in writing pursuant to subsection (3), the permit shall remain in full force and effect until:

1. the Governing Board takes action on an application for extension of an individual permit, or
2. staff takes action on an application for extension of a standard general permit.

(b) Installation of the project outfall structure shall not constitute a vesting of the permit.

(3) The permit extension shall be issued provided that a permittee files a written request with the District showing good cause prior to the expiration of the permit. For the purpose of this rule, good cause shall mean a set of extenuating circumstances outside of the control of the permittee. Requests for extensions, which shall include documentation of the extenuating circumstances and how they have delayed this project, will not be accepted more than 180 days prior to the expiration date.

(4) Substantial modifications to Conceptual Approvals will extend the duration of the Conceptual Approval for two years from the date of issuance of the modification. For the purposes of this section, the term "substantial modification" shall mean a modification which is reasonable expected to lead to substantially different water resource or environmental impacts which require a detailed review.

(5) Substantial modifications to individual or standard general environmental resource permits issued pursuant to a permit application extend the duration of the permit for three years from the date of issuance of the modification. Individual or standard general environmental resource permit modifications do not extend the duration of a conceptual approval.

(6) Permit modifications issued pursuant to subsection 40E-4.331 (2)(b), F.A.C. (Letter modifications) do not extend the duration of a permit.

(7) Failure to complete construction or alteration of the surface water management system and obtain operation phase approval from the District within the permit duration shall require a new permit authorization in order to continue construction unless a permit extension is granted.

Specific authority 373.044, 373.113 F.S. Law Implemented 373.413, 373.416, 373.419, 373.426 F.S. History-New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.07(4), Amended 7-1-86, 4/20/94, Amended 7-1-86, 4/20/94, 10-3-95

### **NOTICE OF RIGHTS**

As required by Sections 120.569(1), and 120.60(3), Fla. Stat., following is notice of the opportunities which may be available for administrative hearing or judicial review when the substantial interests of a party are determined by an agency. Please note that this Notice of Rights is not intended to provide legal advice. Not all the legal proceedings detailed below may be an applicable or appropriate remedy. You may wish to consult an attorney regarding your legal rights.

#### **RIGHT TO REQUEST ADMINISTRATIVE HEARING**

A person whose substantial interests are or may be affected by the South Florida Water Management District's (SFWMD) action has the right to request an administrative hearing on that action pursuant to Sections 120.569 and 120.57, Fla Stat. Persons seeking a hearing on a District decision which does or may determine their substantial interests shall file a petition for hearing with the District Clerk within 21 days of receipt of written notice of the decision, unless one of the following shorter time periods apply: 1) within 14 days of the notice of consolidated intent to grant or deny concurrently reviewed applications for environmental resource permits and use of sovereign submerged lands pursuant to Section 373.427, Fla. Stat.; or 2) within 14 days of service of an Administrative Order pursuant to Subsection 373.119(1), Fla. Stat. "Receipt of written notice of agency decision" means receipt of either written notice through mail, or electronic mail, or posting that the District has or intends to take final agency action. Any person who receives written notice of a SFWMD decision and fails to file a written request for hearing within the timeframe described above waives the right to request a hearing on that decision.

#### **Filing Instructions**

The Petition must be filed with the Office of the District Clerk of the SFWMD. Filings with the District Clerk may be made by mail, hand-delivery or facsimile. Filings by e-mail will not be accepted. Any person wishing to receive a clerked copy with the date and time stamped must provide an additional copy. A petition for administrative hearing is deemed filed upon receipt during normal business hours by the District Clerk at SFWMD headquarters in West Palm Beach, Florida. Any document received by the office of the SFWMD Clerk after 5:00 p.m. shall be filed as of 8:00 a.m. on the next regular business day. Additional filing instructions are as follows:

- Filings by mail must be addressed to the Office of the SFWMD Clerk, P.O. Box 24680, West Palm Beach, Florida 33416.
- Filings by hand-delivery must be delivered to the Office of the SFWMD Clerk. Delivery of a petition to the SFWMD's security desk does not constitute filing. To ensure proper filing, it will be necessary to request the SFWMD's security officer to contact the Clerk's office. An employee of the SFWMD's Clerk's office will receive and file the petition.
- Filings by facsimile must be transmitted to the SFWMD Clerk's Office at (561) 682-6010. Pursuant to Subsections 28-106.104(7), (8) and (9), Fla. Admin. Code, a party who files a document by facsimile represents that the original physically signed document will be retained by that party for the duration of that proceeding and of any subsequent appeal or subsequent proceeding in that cause. Any party who elects to file any document by facsimile shall be responsible for any delay, disruption, or interruption of the electronic signals and accepts the full risk that the document may not be properly filed with the clerk as a result. The filing date for a document filed by facsimile shall be the date the SFWMD Clerk receives the complete document.

### **Initiation of an Administrative Hearing**

Pursuant to Rules 28-106.201 and 28-106.301, Fla. Admin. Code, initiation of an administrative hearing shall be made by written petition to the SFWMD in legible form and on 8 and 1/2 by 11 inch white paper. All petitions shall contain:

1. Identification of the action being contested, including the permit number, application number, District file number or any other SFWMD identification number, if known.
2. The name, address and telephone number of the petitioner and petitioner's representative, if any.
3. An explanation of how the petitioner's substantial interests will be affected by the agency determination.
4. A statement of when and how the petitioner received notice of the SFWMD's decision.
5. A statement of all disputed issues of material fact. If there are none, the petition must so indicate.
6. A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the SFWMD's proposed action.
7. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the SFWMD's proposed action.
8. If disputed issues of material fact exist, the statement must also include an explanation of how the alleged facts relate to the specific rules or statutes.
9. A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the SFWMD to take with respect to the SFWMD's proposed action.

A person may file a request for an extension of time for filing a petition. The SFWMD may, for good cause, grant the request. Requests for extension of time must be filed with the SFWMD prior to the deadline for filing a petition for hearing. Such requests for extension shall contain a certificate that the moving party has consulted with all other parties concerning the extension and that the SFWMD and any other parties agree to or oppose the extension. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

If the District's Governing Board takes action with substantially different impacts on water resources from the notice of intended agency decision, the persons who may be substantially affected shall have an additional point of entry pursuant to Rule 28-106.111, Fla. Admin. Code, unless otherwise provided by law.

### **Mediation**

The procedures for pursuing mediation are set forth in Section 120.573, Fla. Stat., and Rules 28-106.111 and 28-106.401-405, Fla. Admin. Code. The SFWMD is not proposing mediation for this agency action under Section 120.573, Fla. Stat., at this time.

### **RIGHT TO SEEK JUDICIAL REVIEW**

Pursuant to Sections 120.60(3) and 120.68, Fla. Stat., a party who is adversely affected by final SFWMD action may seek judicial review of the SFWMD's final decision by filing a notice of appeal pursuant to Florida Rule of Appellate Procedure 9.110 in the Fourth District Court of Appeal or in the appellate district where a party resides and filing a second copy of the notice with the SFWMD Clerk within 30 days of rendering of the final SFWMD action.

### SFWMD General Conditions

1. All activities authorized by this permit shall be implemented as set forth in the plans, specifications, and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit and Part IV, Chapter 373, F.S.
2. This permit or a copy thereof, complete with all conditions, attachments, exhibits and modifications shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by District staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.
3. Activities approved by this permit shall be conducted in a manner which does not cause violations of State water quality standards. The permittee shall implement best management practices for erosion and pollution control to prevent violation of State water quality standards. Temporary erosion control shall be implemented prior to and during construction, and permanent control measures shall be completed within 7 days of any construction activity. Turbidity barriers shall be installed and maintained at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the permitted work. Turbidity barriers shall remain in place at all locations until construction is completed and soils are stabilized and vegetation has been established. All practices shall be in accordance with the guidelines and specifications described in Chapter 6 of the Florida Land Development Manual; A Guide to Sound Land and Water Management (Department of Environmental Regulation, 1988), incorporated by reference in Rule 40E-4.091, F.A.C. unless a project-specific erosion and sediment control plan is approved as part of the permit. Thereafter, the permittee shall be responsible for the removal of the barriers. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.
4. The permittee shall notify the District of the anticipated construction start date within 30 days of the date that this permit is issued. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the District an Environmental Resource Permit Construction Commencement Notice Form Number 0960 indicating the actual start date and the expected construction completion date.
5. When the duration of construction will exceed one year, the permittee shall submit construction status reports to the District on an annual basis utilizing an annual status report form. Status report forms shall be submitted the following June of each year.
6. Within 30 days after completion of construction of the permitted activity, the permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, utilizing the supplied Environmental Resource Permit Construction Completion/Certification Form Number 0881. The statement of completion and certification shall be based on onsite observation of construction or review of as-built drawings for the purpose of determining if the work was completed in compliance with permitted plans and specifications. This submittal shall serve to notify the District that the system is ready for inspection. Additionally, if deviation from the approved drawings is discovered during the certification process, the certification must be accompanied by a copy of the approved permit drawings with deviations noted. Both the original and revised specifications must be clearly shown. The plans must be clearly labeled as "As-built" or "Record" drawing. All surveyed dimensions and elevations shall be certified by a registered surveyor.
7. The operation phase of this permit shall not become effective: until the permittee has complied with the requirements of condition (6) above, has submitted a request for conversion of Environmental Resource Permit from Construction Phase to Operation Phase, Form No. 0920; the District determines the system to be in compliance with the permitted plans and specifications; and the entity approved by the District in accordance with Sections 9.0 and 10.0 of the Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District (August 1995) accepts responsibility for operation and maintenance of the system. The permit shall not be transferred to such approved operation and maintenance entity until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the District, the permittee shall initiate transfer of the permit to the approved responsible operating entity if different from the permittee. Until the permit is transferred pursuant to Section 40E1.6107, F.A.C., the permittee shall be liable for compliance with the terms of the permit.
8. Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the initiation of the permitted use of site infrastructure located within the area served by that portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of the phase or portion of the system to a local government or other responsible entity.



9. For those systems that will be operated or maintained by an entity that will require an easement or deed restriction in order to enable that entity to operate or maintain the system in conformance with this permit, such easement or deed restriction must be recorded in the public records and submitted to the District along with any other final operation and maintenance documents required by Sections 9.0 and 10.0 of the Basis of Review for Environmental Resource Permit applications within the South Florida Water Management District (August 1995), prior to lot or unit sales or prior to the completion of the system, whichever occurs first. Other documents concerning the establishment and authority of the operating entity must be filed with the Secretary of State, where appropriate. For those systems which are proposed to be maintained by the County or municipal entities, final operation and maintenance documents must be received by the District when maintenance and operation of the system is accepted by the local government entity. Failure to submit the appropriate final documents will result in the permittee remaining liable for carrying out maintenance and operation of the permitted system and any other permit conditions.

10. Should any other regulatory agency require changes to the permitted system, the permittee shall notify the District in writing of the changes prior to implementation so that a determination can be made whether a permit modification is required.

11. This permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 40E-4 or Chapter 40E-40, F.A.C.

12. The permittee is hereby advised that Section 253.77, F.S. stated that a person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the State, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement, or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.

13. The permittee must obtain a Water Use permit prior to construction dewatering, unless the work qualifies for a General Permit pursuant to Subsection 40E-20.302(4), F.A.C., also known as the "No Notice" Rule.

14. The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any system authorized by the permit.

15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding, unless a specific condition of this permit or a formal determination under Section 373.421(2), F.S., provides otherwise.

16. The permittee shall notify the District in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of a permitted system or the real property on which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of Rules 40E-1.6105 and 40E-1.6107, F.A.C.. The permittee transferring the permit shall remain liable for corrective actions that may be required as a result of any violations prior to the sale, conveyance or other transfer of the system.

17. Upon reasonable notice to the permittee, District authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with the plans and specifications approved by the permit.

18. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the appropriate District service center.

19. The permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.

### **SFWMD Special Conditions**

1. The permittee shall be responsible for the correction of any erosion, shoaling or water quality problems that result from the construction or operation of the surface water management system.
2. Measures shall be taken during construction to insure that sedimentation and/or turbidity problems are not created in the receiving water.
3. The District reserves the right to require that additional water quality treatment methods be incorporated into the drainage system if such measures are shown to be necessary.
4. Facilities other than those stated herein shall not be constructed without an approved modification of this permit.
5. The conditions outlined in the Broward County Specific Conditions section, except where language specifically relates to Broward County Code, are incorporated into these SFWMD Special Conditions.
6. Operation of the surface water management system shall be the responsibility of permittee.

### **Broward County General Conditions**

1. The terms, conditions, requirements, limitations and restrictions set forth herein are accepted by the licensee and must be completed by the licensee and are enforceable by the Environmental Protection Department (EPD) pursuant to Chapter 27 of the Broward County Code of Ordinances. The EPD will review this license periodically and may revoke or suspend the license, and initiate administrative and/or judicial action for any violation of the conditions by the licensee, its agents, employees, servants or representatives.
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, suspension, and/or enforcement action by the EPD.
3. In the event the licensee is temporarily unable to comply with any of the conditions of the license or with this chapter, the licensee shall notify the EPD within eight (8) hours or as stated in the specific section of this chapter. Within three (3) working days of the event, the licensee shall submit a written report to EPD that describes the incident, its cause, the measures being taken to correct the problem and prevent its reoccurrence, the owner's intention regarding the repair, replacement and reconstruction of destroyed facilities and a schedule of events leading toward operation with the license condition.
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 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 licensed facility or activity, that are submitted to the EPD, may be used by the EPD as evidence in any enforcement proceeding arising under Chapter 27 of the Broward County Code of Ordinances, except where such use is prohibited by Section 403.111, Florida Statutes.
7. The licensee agrees to comply with Chapter 27 of the Broward County Code of Ordinances, and shall comply with all provisions of the most current version of this chapter, as amended.
8. Any new owner or operator 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 a transfer of license. The transferee shall be liable for any violation of Chapter 27 that results from the transferee's activities. The transferee shall comply with the transferor's original license conditions when the transferee has failed to obtain its own license.
9. The licensee, by acceptance of this license, specifically agrees to allow access and shall allow access to the licensed source, activity or facility at times by EPD 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, approval, or regulatory requirement by this or any other governmental agency that may be required.
11. Enforcement of the terms and provisions of this license shall be at the reasonable discretion of EPD, and any forbearance on behalf of EPD 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 EPD's rights hereunder.

### **Broward County Specific Conditions**

1. The licensee shall allow authorized personnel of the EPD, municipality or local water control district to conduct such inspections at reasonable hours, as are necessary to determine compliance with the requirements of the license and the approved plans and specifications.
2. The responsible entity shall agree to maintain the operating efficiency of the water management works. Except in cases where the responsible entity is a governmental agency, the agreement shall further require that if the water management works is not adequately maintained, the County may undertake the required work and bill all associated costs to the responsible entity. If the payment for such obligations is not satisfied within 30 days, said obligation shall become a lien against the property associated with the water management works. Where ownership of the water management works is separate from property ownership, the EPD shall require these agreements to be recorded.
3. The licensee shall prosecute the work authorized in a manner so as to minimize any adverse impact of the works on fish, wildlife, natural environmental values, and water quality. The licensee shall institute necessary measures during the construction period, including fill compaction of any fill material placed around newly installed structures, to reduce erosion, turbidity, nutrient loading and sedimentation in the receiving waters. Any erosion, shoaling or deleterious discharges due to permitted actions will be corrected promptly at no expense to the County.
4. The licensee shall comply with all applicable local land use and subdivision regulations and other local requirements. In addition, the licensee shall obtain all necessary Federal, State, local and special district authorizations prior to the start of any construction alteration of works authorized by this license.
5. Offsite discharges during construction and development shall be made only through the facilities authorized by this license. Water discharged from the project shall be through structures having a mechanism for regulating upstream water stages. Stages may be subject to operating schedules satisfactory to the appropriate regulatory agency.
6. The licensee shall hold and save the County harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, operation, maintenance or use of any facility authorized by the license.
7. The license does not convey property rights nor any rights or privileges other than those specified therein.
8. No construction authorized by the license shall commence until a responsible entity acceptable to the EPD has been established and has agreed to operate and maintain the efficiency of the system. The entity must be provided with sufficient ownership so that it has control over all water management facilities authorized therein. Upon receipt of written evidence of the satisfaction of this condition, the EPD will issue authorization to commence the construction.
9. No beautification, or erection of any structure that will prohibit or limit access of maintenance equipment or vehicles in the right-of-way or easements will be allowed.
10. Any license which grants any entity the permission to place a structure on property which is owned by Broward County or upon which Broward County has an easement shall be construed to create a revocable license for that structure to remain on the property. Broward County may require removal of such a structure at no cost to the County.
11. The area under license will be maintained in a safe and operating condition at all times. Equipment will be promptly removed from the right-of-way or easement and the right-of-way or easement will be restored to its original or better condition within a reasonable time on termination of the authorized use.
12. The EPD will be notified, as required in the license or as indicated on the approved plans, to coordinate and schedule inspections.
13. The operation or construction will be in accordance with the approved details and plans submitted with the application. Any modification must be submitted to the EPD in writing and receive prior approval.
14. Monitoring may be required for sites with high pollutant generating potential, such as industrial sites, Class I and II solid waste disposal sites, and projects discharging to areas identified in Section 27-200 (b) (1) (o). Such monitoring will be under the cognizance of the EPD.

15. Upon completion of the construction of a surface water management system or phase thereof licensed by the Water Resources Division, it is a requirement of the issuance of the license, and hence transfer of operation and maintenance responsibility, that a Florida Registered Professional Engineer certify that the surface water management system was indeed constructed as licensed. Certified record drawings shall accompany the certification. Suggested wording for this is as follows:

I HEREBY CERTIFY TO THE CONSTRUCTION COMPLETION OF ALL THE COMPONENTS OF THE SURFACE WATER MANAGEMENT FACILITIES FOR THE ABOVE REFERENCES PROJECT AND THAT THEY HAVE BEEN CONSTRUCTED IN SUBSTANTIAL CONFORMANCE WITH THE PLANS AND SPECIFICATIONS APPROVED BY THE BROWARD COUNTY WATER RESOURCES DIVISION, AND HEREBY AFFIX MY SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

(SEAL)

16. Water management areas shall be legally reserved to the operation entity and for that purpose by dedication on the plat, deed restrictions, easements, etc., so that subsequent owners or others may not remove such areas from their intended use. Management areas, including maintenance easements, shall be connected to a public road or other location from which operation and maintenance access is legally and physically available.

17. The licensee shall notify the Water Resources Division in writing within twenty-four (24) hours of the start, finish, suspension, and/or abandonment of any construction or alteration of works authorized by this license.

18. A prorated share of surface water management retention/detention areas, sufficient to provide the required flood protection and water quality treatment, must be provided prior to occupancy of any building or residence.

19. The operation license shall be valid for a specific period of time not to exceed five (5) years from the date the license is transferred to the operation phase. The operation license shall be renewed in accordance with Section 27 - 198 (d) (2) of the Article.

20. The Water Resources Division reserves the right to require additional water quality treatment methods be incorporated into the drainage system if such measures are shown to be necessary.

21. This permit does not constitute the approval required by Section 27-353(i), Broward County Code, to conduct dewatering operations at or within one-quarter mile radius of a contaminated site. Please contact the Pollution Prevention and Remediation Division at (954) 519-1260 for further information.

22. The licensee shall keep a log of the operation and maintenance schedule for all components of the surface water management system.

23. The surface water management system must be inspected by the Water Resources Division to verify compliance with Specific Condition No. 15 of the License. In accordance with the Broward County Natural Resource Protection Code, Article I, Sec. 27-66 (f), the County agency or municipal agency charged with issuing a certificate of occupancy (CO) shall not issue a CO until notified of the EPD approval. Partial certifications will be handled in accordance with Specific Condition No. 18.

24. The licensee is advised that he/she is required to submit a Storm Water Notice of Intent (NOI) application at least 48 hours prior to the commencement of construction to the Florida Department of Environmental Protection, NPDES Stormwater Notices Center, MS #2510 at 2600 Blair Stone Road - Tallahassee, Florida 32399-2400.

25. Notify the Development and Environmental Regulation Division in writing (Fax: 954/519-1412, or e-mail) a minimum of 48 hours prior to project commencement and a maximum of 48 hours after project completion. The notification should include the name of the contractor authorized to perform the licensed activities. Failure to comply with this condition will result in enforcement action.

26. Any project-caused environmental problem(s) shall be reported immediately to the Environmental Protection and Growth Management Department's Environmental Response Line at 954-519-1499.

27. All project generated solid waste and/or spoil material must be disposed of in a suitable approved manner at an upland location.

28. Adjacent wetland areas shall be protected from construction-related runoff and development activities through the use of orange construction fence and siltation screening or haybales around the perimeter of the areas adjacent to the proposed development. The erosion protection devices shall be placed before the initiation of ground-disturbing activities and shall remain in place until all ground disturbing activities within the project have concluded, and the site has stabilized, at which time the screening or haybales shall be removed completely from the site.

the site.

29. All construction related equipment and materials shall be stored or stockpiled outside the wetland boundary.

30. Any water bodies or wetlands to be filled pursuant to this license must be filled only with rock, soil or muck, as appropriate and depicted on the attached drawings. Fill material which includes clean debris as defined in Section 27-214 is not authorized by this license. Use as fill of any materials other than rock, soil or muck shall constitute a violation of this license.

31. This permit does not constitute the approval required by Section 27 353(i), Broward County Code, to conduct dewatering operations at or within one quarter mile radius of a contaminated site. Please contact the Pollution Prevention and Remediation Division at (954) 519 1260 for further information.

32. Should this property be sold, this license must be formally transferred to the new owner pursuant to General Condition 8. The buyer shall be provided a copy of this license; and made aware of the preservation area and the requirements for completion of the mitigation work, monitoring, and maintenance as a natural area in perpetuity.

33. If the approved permit drawings and/or permit attachments/plans conflict with the specific conditions, then the specific conditions shall prevail.

34. This permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this license.

35. Construction and installation of the on-site mitigation area (1.86 acres with a 0.74-acre buffer area) shall be in accordance with attached plans and associated information. The Area shall be installed concurrently with licensed construction.

36. Upon completion of the Area, the following documentation shall be submitted to the Department: (a) certification of elevations in relation to design, (b) verification of actual acreage, and (c) the time-zero monitoring report. This documentation is required within 30 days of completion of the Area and prior to any Certificate of Occupancy being received for any structure on the site.

37. 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 becomes 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, and cattail. Treatment efforts must be tailored to prevent these species from becoming reproductively mature. Note that sodded areas within the Conservation Easement area shall comprise native species.
- c) A minimum of 80% survival of each planted species. This rate shall be maintained each quarter except where species composition, density of planted and recruitment species and overall wetland condition, growth rates and viability of the Area is 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 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.

The Area shall be monitored and reports submitted quarterly for five (5) years describing in detail the condition of the Area relative to the reference wetland and the criteria listed above (37.a-e).

38. Should the Department determine that the Area is not achieving the listed criteria during some portion of the monitoring period, the licensee shall 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 then be implemented within thirty (30) days of the Department's written approval.

39. 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.

40. The licensee shall be responsible for the successful completion of the mitigation work, including the monitoring and maintenance of the mitigation area.

41. 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 in this license, with the exception of its normal maintenance. 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.

42. The Department must be notified of any change of consultant/contractor during the construction and mitigation monitoring phases of this project.

43. The Financial Assurance(s) include(s) construction, monitoring and maintenance costs with a 10% contingency for the total sum of \$219,560.00. At the time zero event and upon EPGMD review and approval of all information required in Specific Condition 36, the licensee may request release of 35% of the construction costs and tiered portion of the contingency funds. After two years of monitoring and maintenance and upon EPGMD review and approval, the licensee may request an additional 15% of the construction costs and tiered portion of the contingency funds. 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 36 and 37 and if necessary 38, the licensee may request the release of the remaining construction, monitoring, maintenance and contingency funds. All requests shall be made in writing to the Aquatic and Wetland Resources Section of the Environmental Protection and Growth Management Department. The licensee is advised that no portion of the Financial Assurance will be released by the Department until the Conservation Easement has been recorded.

44. The owner of the property which is the subject of this License shall be responsible for all general and specific conditions for the preservation and enhancement of the on-site mitigation area. The City of Plantation shall be responsible for all specific conditions relevant to the off-site mitigation.

45. Pursuant to the "Agreement between City of Plantation and Industrial Developments International, Inc. for Mitigation at the Plantation Preserve Golf Course," the City of Plantation agrees to conduct, monitor and maintain the work in accordance with the terms of the County Environmental Resource License DF03-1253 and its modifications; and comply with all terms and conditions of said license. In addition, the Agreement provides reasonable access to the preserve by Broward County staff for purposes of ensuring compliance with DF03-1253.

46. Mitigation for impacts to 2.18 acres of herbaceous wetlands shall be the purchase of 1.71 herbaceous freshwater credits at Plantation Preserve Golf Course from the City of Plantation pursuant to a modification of Environmental Resource License DF03-1253.

47. The purchased mitigation credits at the Plantation Preserve Golf Course shall be the perpetual responsibility of the City of Plantation.

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



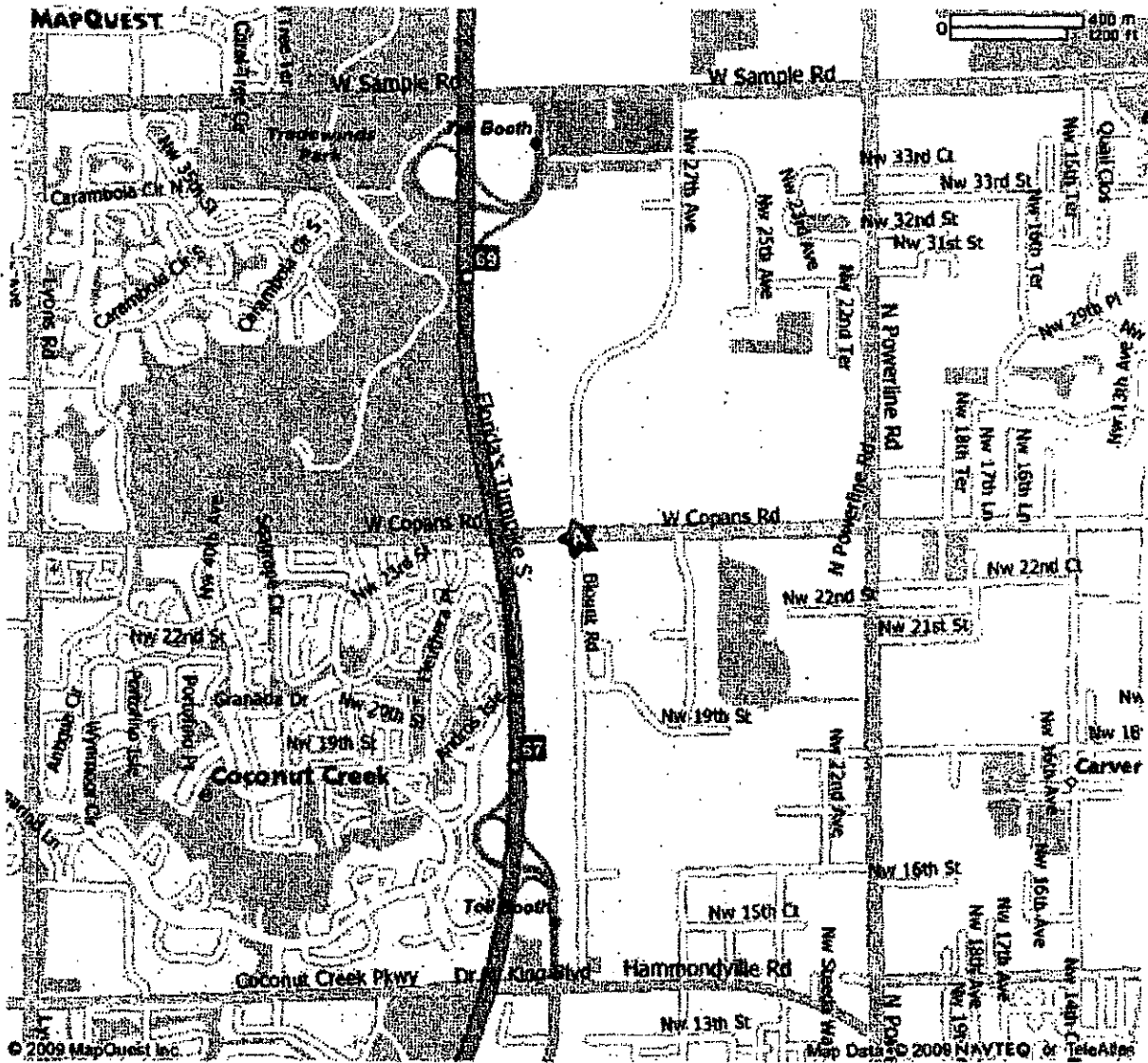


Exhibit 1

### STAFF REPORT

**Project Name:** IDI - Pompano Business Center (Phase II)  
**Permit Number:** 06-05722-P **License Number:** SWM2009-007-0, DF07-1232  
**Application Number:** 071220-23 **Concurrent Application** L2007-315  
**Application Type:** New Environmental Resource  
**Location:** Broward County **Section-Township-Range:** 21-48-42  
**Permittee's Name:** Industrial Development Industries (IDI)

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**Project Area:** 11.3 acres **Drainage Area:** 11.3 acres  
**Project Land Use:** Commercial  
**Drainage Basin:** C-14  
**Receiving Body:** On-site Retention

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#### **Purpose:**

The construction and operation of a surface water management system to serve a proposed 11.30 acre commercial development.

#### **Project Evaluation:**

##### **Project Site Description:**

The site is presently undeveloped and is located at the NW intersection of Copans Road and Blount Road (Folio Nos. 484221000220, 484221000250, 484221000260, and 484221000270).

##### **Proposed Project Design:**

The proposed construction will include 2.67 acres of building area, 4.09 acres of paved area and the proposed drainage system. A system of inlets and culverts will direct the storm runoff to 0.18 acres of dry retention and 1,091 LF of exfiltration trench for water quality pre-treatment prior to discharging into the designated wetland area for the remaining water quality treatment. The discharge into the wetland area will be directed through two control structures both consisting of 1/2 round inverted baffles. The control structure for the exfiltration trench will have a crest at elevation 11.50' NGVD, and the control structure for the dry retention areas will have a crest at elevation 11.0' NGVD.

##### **Project Background:**

The site has existing wetlands which required an ERL license from this Divisions Aquatic and Wetland Resources Licensing Section.

##### **Control Elevation:**

<u>Basin Name</u>	<u>Area</u>	<u>Ctrl Elevation</u>	<u>WSWT Ctrl Elevation</u>	<u>Method of Determination</u>
IDI - Pompano Comm	11.3 acres	9 ft, NGVD	9 ft, NGVD	BC Avg. Wet Season Water Table Ma

Exhibit 2A

**Discharge Rate:**

The perimeter of the project is designed to be at or above the 25-Year, 3-day design storm event stage of 13.81' NGVD.

<u>Frequency</u>	<u>Rainfall</u>	<u>Basin Name</u>	<u>Allowable Disch.</u>	<u>Method of Determination</u>	<u>Peak Disch.</u>	<u>Peak Stage</u>
25YR-3DAY 16 in.		IDI - Pompano Co	0 cfs	C-14 Canal	69.2 CSM	0 cfs
						13.81' NGVD

**Finished Floors:**

The finished floor elevations have been designed to be above the computed 100-yr, 3-day zero discharge stage and the Broward County 100-yr, 3-day flood map elevation.

<u>Frequency</u>	<u>Rainfall</u>	<u>Basin Name</u>	<u>Peak Stage</u>	<u>Prop. Min. Fin. Floors</u>	<u>BC 100-yr Map Elev.</u>
100YR-3DAY	20 inches	IDI - Pompano Commer	14.49' NGVD	17.5' NGVD	14.5' NGVD

**Water Quality Design:**

Water quality pre-treatment will be provided in the exfiltration trenches and the dry retention areas prior to discharge to the designated wetland area for the remaining water quality treatment.

<u>Basin Name</u>	<u>Treatment Type</u>	<u>Treatment Method</u>	<u>Volume Required</u>	<u>Volume Provided</u>
IDI - Pompano Commerce C	Pre Treatment	Exfiltration Trench	0.4 ac-ft	0.29 ac-ft
IDI - Pompano Commerce C	Pre Treatment	Dry Retention	0.4 ac-ft	0.27 ac-ft
IDI - Pompano Commerce C	Treatment	Wet Retention	1.23 ac-ft	1.23 ac-ft
			Total: 1.79 ac-ft	

**Environmental Summary:**

The project involves the development of an 11.53-acre site for a commercial development. The site contains 4.7 acres of herbaceous wetland area. Approximately 19,940 cubic yards of clean rock and sand shall be used to fill 3.09 acres of the existing 4.7-acre wetland area. The mitigation for unavoidable wetland impacts shall include the on-site creation of a 0.25-acre herbaceous wetland area and the on-site enhancement of 1.61-acre of herbaceous wetland area to offset 0.91 acres of impact. The on-site wetland area shall be 1.86 acres surrounded by a 0.74-acre transitional buffer area for a total mitigation area of 2.60 acres (see attached plans). The remaining 2.18 acres of impact will be offset by the purchase of 1.72 acres of mitigation credits at Plantation Preserve Golf Course from the City of Plantation (see attached agreement).

Construction shall be in accordance with the Environmental Resource License application form submitted 12/19/07, and associated information, all of which is designated as EPGMD File No. DF07-1232; plans stamped by the Department on 2/23/2009 (attached); and with all General and Specific Conditions of this license.

Based upon the proposed project design, DER has determined that the project will not cause adverse secondary or cumulative impacts to the water resources and is not contrary to the public interest.

**Exhibit** 2B

**Special Concerns:**

**Operating Entity:** Industrial Development Industries (IDI)  
Attention: Scott Helms  
515 East Las Olas Boulevard, Suite 960  
Fort Lauderdale, FL 33301

**Waste Water System/Supplier:** BCUD #4

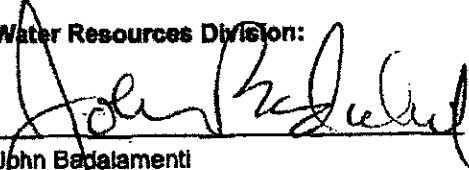
Exhibit 2c

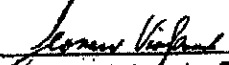
**STAFF RECOMMENDATION:**

South Florida Water Management District and Broward County rules have been adhered to and a General Permit should be granted.

**SWM2009-007-0. STAFF REVIEW:**

**Water Resources Division:**

  
John Badalamenti

  
Leonard Vialpando, P.E.

**Biological Resources Division:**

  
Marisa Magrino

  
Linda Sunderland, Manager

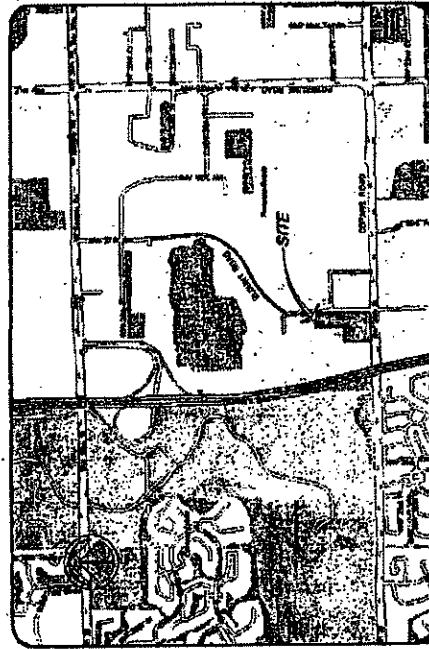
**Exhibit 2D**

**City of Pompano Beach, Broward County, Florida**

**LANDSCAPE ARCHITECT:**  
BRUCE CUMMINGS P.A.  
235 COMMERCIAL BLVD.  
LAUDERDALE BY THE SEA, FL 33308  
(954) 771-8184

[illegible]

DRAWINGS MAY BE OUT OF SCALE DUE TO XEROX REPRODUCTION ERROR.



SECTION 21, TOWNSHIP 48 SOUTH, RANGE 42 EAST

INDEX OF DRAWINGS		TITLE
SHEET NO.	COVER SHEET	
SP-109	SITE PLAN	
8	SWIMMING POOL	
811	FLOOR PLAN BUILDING A	
821	FLOOR PLAN BUILDING A	
841	FLOOR PLAN BUILDING B	
821	ELEVATION BUILDING B	
841-1	LIGHTING PLANS	
151-152	LANDSCAPE PLANS	
151-152	PAVING, GRADING AND DRAINAGE PLAN	
151-152	WATER AND SEWER PLAN	
151-152	SEWER PROPOSE PLAN	

11/16/2016 11:16 AM

**LEGAL DESCRIPTION:**

On 12/17/79, the FBI received information from the New York City Police Department (NYCPD) that a letter had been received from a person who claimed to be a member of the Black Liberation Army (BLA) and was offering to provide information regarding the activities of the BLA in New York City. The letter was dated 12/17/79 and was addressed to the FBI. The letter stated that the person was a member of the BLA and was offering to provide information regarding the activities of the BLA in New York City. The letter was signed "Black Liberation Army" and was dated 12/17/79. The letter was received by the New York City Police Department and was forwarded to the FBI. The FBI is currently reviewing the letter and is attempting to identify the person who wrote the letter. The FBI is also attempting to determine if the person who wrote the letter is a member of the BLA and if the person is offering to provide information regarding the activities of the BLA in New York City. The FBI is also attempting to determine if the person who wrote the letter is a threat to the safety of the United States.

1-800-669-0000  
LIFE LINE  
FOR WATER MAINS  
AND SEWER  
REPAIRS

BY James D. Dwyer DATED: NOV 2 29 2019

PROJECT NO. 07-3132  
DESIGN DATE: MARCH 2006

**48 HOURS BEFORE DOING**  
 ANYTHING IN A BAR, LOBBY, BOARD  
 OR LIVING ROOM CONSOLE  
**1-800-432-4770**  
 BUSINESS DAY  
**CALLING AND SPEAKING**  
 WITH ANOTHER COMPANY

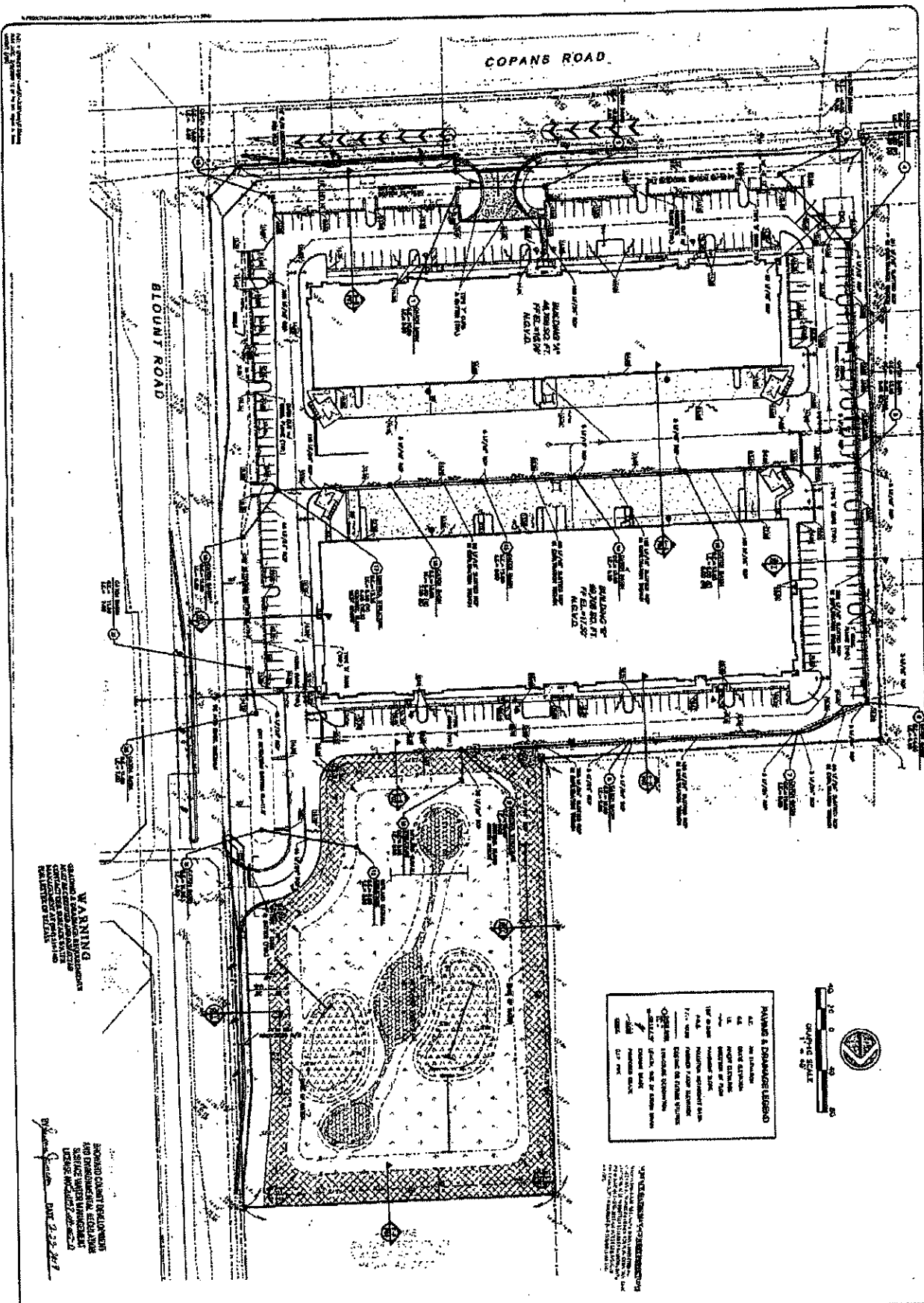
**WARNING**

**Sun-Tech Engineering, Inc.**

**TECH**  
1800 West Ocala Park Boulevard  
Ft. Lauderdale, FL 33311  
Engineers • Planners • Surveyors  
Certified A.S.D., #7057  
Phone (854) 773-3123  
Fax (854) 773-2114

3  
4  
5  
6  
7  
8  
9

Exhibit 4



DATE:	Oct 2007
NAME:	1-2-4
EMPLOYMENT BY:	M.A.
ADDRESS BY:	N.O.
JOB NUMBER:	07-3132
SHEET No.	PD1
SCALE:	1/4" = 1'-0"

**POMPANO BUSINESS CENTER  
PHASE II**

REVISIONS		
NO.	DATE	DESCRIPTION
1	10/24/88	DOC. IN FILED. SEE 17

**SUN-TECH** Sun-Tech Engineering, Inc.  
 Ring Road - P.O. Box 444444  
 1600 West Chippewa Port Boulevard  
 St. Louisville, PA 22311  
 www.suntecheng.com

Certificate of Audit # 2897  
 Phone (854) 771-9323  
 Fax (854) 771-9191





**GENERAL NOTES**

1. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE IN FEET AND INCHES.

2. ALL MATERIALS SHALL BE OF THE BEST QUALITY AVAILABLE.

3. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION, AS APPLICABLE.

4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

5. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES.

6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.

7. THE CONTRACTOR SHALL MAINTAIN ADEQUATE DRAINAGE AND EROSION CONTROL MEASURES THROUGHOUT THE PROJECT.

8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL AND DISPOSAL OF ALL DEBRIS AND EXCESS MATERIAL.

9. THE CONTRACTOR SHALL MAINTAIN ADEQUATE RECORDS OF ALL WORK DONE AND MATERIALS USED.

10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND RESTORATION OF ALL NATURAL RESOURCES.

**Typical Handicap Parking Detail**

**Pollution Retardant Basin**

**Control Structure**

**Type T Curb and Gutter**

**Asphalt Rein Detail**







**Typical Catch Basin**

**Trench Detail**

**Wetland Outfall Detail**

**Curb Guts and Warnings**

**LEGEND:**

-  - SITE BOUNDARY (APPROXIMATE) ( $\pm 11.53$  ac.)
-  - TOTAL MITIGATION AREA ( $\pm 2.80$  ac.)
-  - MARSH ( $\pm 1.41$  ac.)
-  - TRANSITIONAL BUFFER ( $\pm 0.74$  ac.)
-  - OPEN WATER ( $\pm 0.19$  ac.)
-  - CYPRESS ISLANDS ( $\pm 0.26$  ac.)

**BROWARD COUNTY  
ENVIRONMENTAL PROTECTION AND  
GROWTH MANAGEMENT DEPARTMENT  
ENVIRONMENTAL RESOURCE  
PERMIT & LICENSES**

ENVIRONMENTAL  
PERMIT & LICENSES  
SWM No. 2009-603-CERL No. **DE03-1232**  
ERP No. 06-05322 Exhibit No. **7**



BUILDING "B"

BUILDING "A"

PRINTED

COPANS ROAD

SECTION 21  
TOWNSHIP 48  
RANGE 42

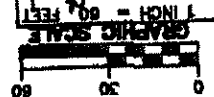
### PROPOSED CONDITIONS PLAN

**MILLER  LEGG**  
South Florida Office: 11818 North Douglas Street • Suite 200  
Pembroke Pines, Florida • 954-448-0002  
813-438-2822 • Fax: 813-438-2824  
www.millerlegg.com

**IDI POMPANO BUSINESS CENTER PHASE II**  
CITY OF POMPANO BEACH, FLORIDA  
FOR: INDUSTRIAL DEVELOPMENTS INTERNATIONAL, INC.

LEGEND

- TOTAL MITIGATION AREA (±2.60 ac.)
- MARSH (±1.41 ac.)
- TRANSITIONAL BUFFER (±0.74 ac.)
- OPEN WATER (±0.19 ac.)
- CYPRESS ISLANDS (±0.26 ac.)
- VEGETATIVE SAMPLING TRANSECT
- PHOTO STATION
- STAFF GAUGE
- MITIGATION BOUNDARY SIGN



BROWARD COUNTY  
 ENVIRONMENTAL PROTECTION AND  
 GROWTH MANAGEMENT DEPARTMENT  
 ENVIRONMENTAL RESOURCE  
 PERMIT & LICENSES  
 SWM No. 2001-603-ERL No. 15603-1389  
 ERP No. 64-053228 Sub No. 8

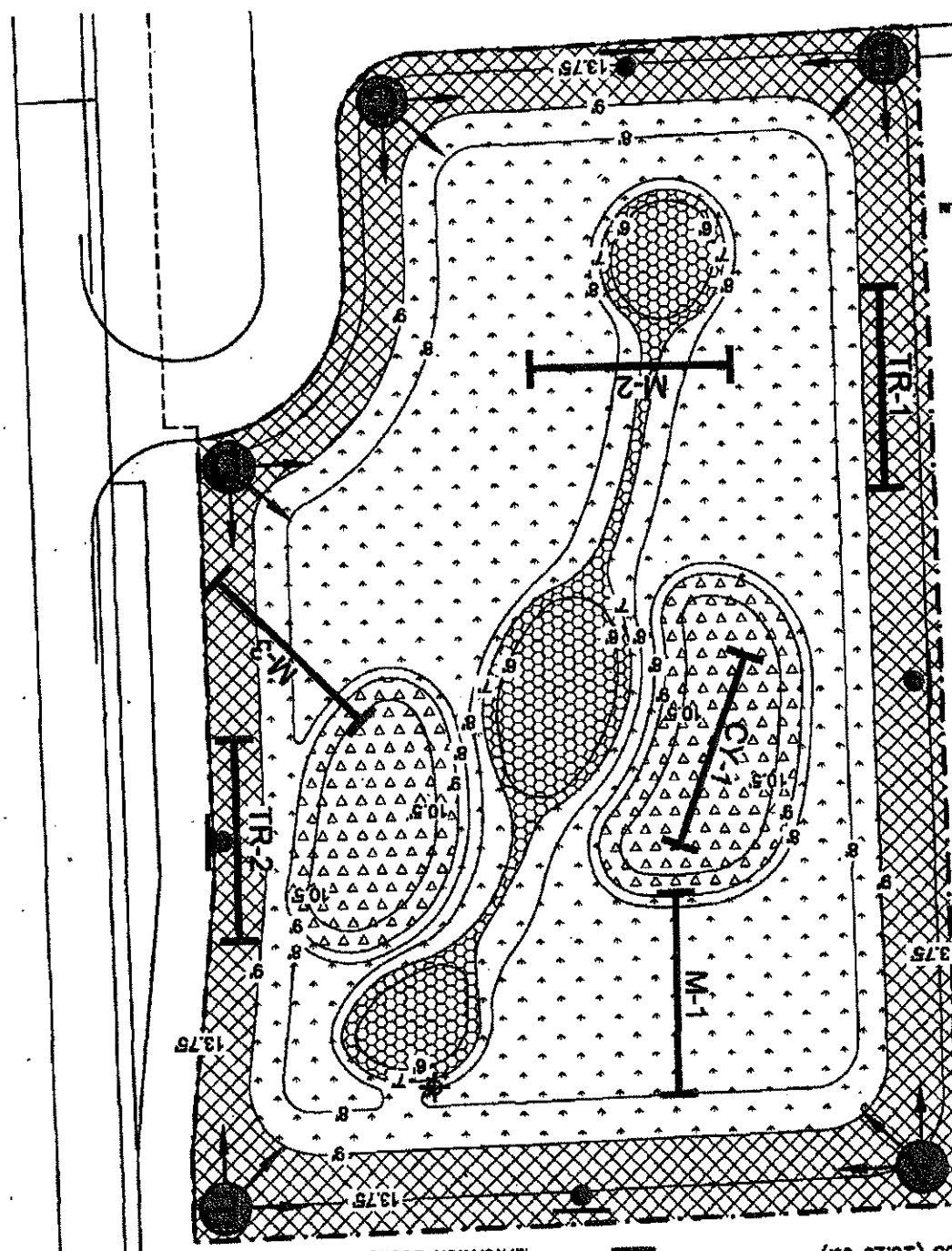
NOTE: ALL  
 EXISTING  
 STRUCTURES  
 SHALL BE  
 DEMOLISHED  
 AND THE  
 AREA  
 RECLAIMED  
 TO  
 ITS  
 ORIGINAL  
 CONDITION  
 WITHIN  
 180 DAYS  
 OF  
 COMPLETION  
 OF  
 THE  
 PROJECT

NATURAL MATERIALS  
 COLOR: BLACK  
 WITH 1/2" DOTS  
 COLOR: WHITE  
 WITH 1/2" DOTS  
 COLOR: BLACK  
 WITH 1/2" DOTS  
 COLOR: WHITE  
 WITH 1/2" DOTS

MITIGATION / MONITORING PLAN

MILLER LEGG

IDI POMPAÑO BUSINESS CENTER PHASE II  
 CITY OF POMPAÑO BEACH, FLORIDA  
 FOR: INDUSTRIAL DEVELOPMENTS INTERNATIONAL, INC.





1. HABITAT ZONE DISTANCES MAY VARY
2. PERMIT SET - REVIEW CONSTRUCTION LEVEL SPECIFICATIONS PRIOR TO COMMENCING CONSTRUCTION ACTIVITY

SWM No. 2009-007-0 ERL No. DE07-1782  
ERP No. 04-05777-Exhibit No. 9

## PROPOSED CONDITIONS CROSS SECTIONS

**MILLER LEGG**

# IMPANO BUSINESS CENTER PHASE III

**FOR: INDUSTRIAL DEVELOPMENTS INTERNATIONAL, INC.**

PROPOSED ELEVATION

~~JOSE L. ACOSIA, PE.~~

~~RECEIVED~~ NO 63827

**IDI POMPANO BUSINESS CENTER PHASE II**  
CITY OF POMPANO BEACH, FLORIDA  
FOR: INDUSTRIAL DEVELOPMENTS INTERNATIONAL, INC.

**BROWARD COUNTY**  
ENVIRONMENTAL PROTECTION AND  
GROWTH MANAGEMENT DEPARTMENT  
ENVIRONMENTAL RESOURCE  
PERMIT & LICENSES

**III. PLANTING SCHEDULE (CONTINUED)**

C. TRANSITIONAL BUFFER 0.74 acres (9.0' NGVD - 13.0' NGVD)

SWM No. 2009-009-0ERL No. BF07-1232  
ERP No. BL-05377 Exhibit No. 1  
SPACING SIZE ELEV. (FT. NGVD)

SYM	QUANTITY	SPECIES				
AG	40 ±5%	<i>Annona glabra</i>	(Pond apple)	10' O.C.	7 GAL.	9.0' - 10.0'
BS	40 ±5%	<i>Bursera simaruba</i>	(Gumbo limbo)	10' O.C.	7 GAL.	12.0' - 13.0'
IC	40 ±5%	<i>Magnolia virginiana</i>	(Sweet bay)	10' O.C.	7 GAL.	9.0' - 10.0'
PE	40 ±5%	<i>Pinus elliotii</i>	(Slash pine)	10' O.C.	7 GAL.	11.0' - 12.0'
QV	40 ±5%	<i>Quercus virginiana</i>	(Live oak)	10' O.C.	7 GAL.	12.0' - 13.0'
QV1	30 ±5%	<i>Quercus laurifolia</i>	(Laurel oak)	10' O.C.	7 GAL.	10.0' - 11.0'
MV	30 ±5%	<i>Ilex cassine</i>	(Dahoon holly)	10' O.C.	7 GAL.	10.0' - 11.0'
SM	40 ±5%	<i>Swietenia mahagoni</i>	(Mahogany)	10' O.C.	7 GAL.	11.0' - 12.0'
SP	30 ±5%	<i>Sabal palmetto</i>	(Cabbage palm)	10' O.C.	8' C.T.	10.0' - 11.0'
	330 ±5%	TOTAL				

AD	130 ±5%	<i>Achrostichum danneelfolium</i>	(Leather fern)	5' O.C.	3 GAL.	9.0' - 10.0'
CI	130 ±5%	<i>Chrysobalanus icaco</i>	(Cocoplum)	5' O.C.	3 GAL.	11.0' - 13.0'
CO	130 ±5%	<i>Cephalanthus occidentalis</i>	(Buttonbush)	5' O.C.	3 GAL.	9.0' - 10.0'
EA	130 ±5%	<i>Eugenia axillaris</i>	(White stopper)	5' O.C.	3 GAL.	11.0' - 13.0'
MC	130 ±5%	<i>Guiana rapanea</i>	(Myrsine)	5' O.C.	3 GAL.	9.0' - 11.0'
HPC	130 ±5%	<i>Hamelia patens</i>	(Firebush)	5' O.C.	3 GAL.	11.0' - 13.0'
EF	130 ±5%	<i>Eugenia foetida</i>	(Spanish stopper)	5' O.C.	3 GAL.	11.0' - 13.0'
PL	130 ±5%	<i>Muhlenbergia capillaris</i>	(Muhly grass)	5' O.C.	3 GAL.	9.0' - 11.0'
SB	130 ±5%	<i>Spartina bakeri</i>	(Sand cordgrass)	5' O.C.	3 GAL.	11.0' - 13.0'
SR	130 ±5%	<i>Tripsacum dactyloides</i>	(Fakahatchee grass)	5' O.C.	3 GAL.	9.0' - 11.0'
	1,300 ±5%	TOTAL				

D. THE ABOVE LIST IS NOT COMPREHENSIVE OF THE SPECIES THAT ARE ACCEPTABLE TO THE AGENCIES AND THAT MAY DOMINATE THE PROPOSED WETLAND COMMUNITIES OVER TIME. BECAUSE THIS IS A DYNAMIC SYSTEM THAT IS CONSTANTLY CHANGING, IT IS ACKNOWLEDGED THAT OTHER DESIRABLE OBLIGATE AND FACULTATIVE WETLAND SPECIES MAY BE PRESENT AND/OR SUBSTITUTED WITH PRIOR WRITTEN NOTIFICATION.

E. ALL PLANT MATERIAL SHALL BE INSTALLED ON-SITE IN ACCORDANCE WITH SOUND HORTICULTURAL PROCEDURES AS SET FORTH BY THE AMERICAN SOCIETY OF LANDSCAPE ARCHITECTS.

F. PLANTING DENSITY MAY INCREASE IF NATURAL RECRUITMENT OF ECCEPTABLE NATIVE VEGETATION IS SUCCESSFUL.

G. ALL PLANT MATERIAL WILL BE FLORIDA NO. 1 OR BETTER.

H. A PLANTING CONTRACTOR HAS NOT YET BEEN SELECTED. LOCATING THE APPROPRIATE PLANTS WILL BE THE CONTRACTOR'S RESPONSIBILITY.

I. ON-SITE MUCK WILL BE USED IN THE MITIGATION AREAS.

J. ALL TREE AND SHRUB SPECIES SHALL HAVE A MINIMUM HEIGHT OF 1.5 FT. AT INSTALLATION.

K. PLANT SPECIES SHALL BE INSTALLED IN A RANDOM FASHION.

L. WETLAND BUFFER SHALL BE COVERED WITH A 4" MINIMUM DEPTH OF MULCH FOR NUISANCE SPECIES CONTROL. MULCH SHALL NOT INCLUDE SEED-BEARING COMPONENTS OF INVASIVE AND/OR TOXIC SPECIES.

M. CONTRACTOR IS RESPONSIBLE FOR REMOVAL OF WEEDS, EXOTIC/NUISANCE, INVASIVE AND DESIRABLE VEGETATION PRIOR TO PLANT INSTALLATION ACCEPTANCE, AND MONTHLY AFTER THE BEGINNING OF THE ESTABLISHMENT PERIOD UNTIL FINAL ACCEPTANCE BY THE OWNER.

N. ALL PLANT MATERIAL SHALL BE OBTAINED FROM NURSERIES SOUTH OF LAKE OKEECHOBEE.

MITIGATION PROGRAM

**MILLER LEGG**

**IDI POMPANO BUSINESS CENTER PHASE II**

CITY OF POMPANO BEACH, FLORIDA

FOR: INDUSTRIAL DEVELOPMENTS INTERNATIONAL, INC.

FLORIDA REG. NO. 63827  
10/29/08

BROWARD COUNTY  
ENVIRONMENTAL PROTECTION AND  
GROWTH MANAGEMENT DEPARTMENT  
ENVIRONMENTAL RESOURCE  
PERMIT & LICENSES  
SWM No. 279A No. 10/28/08  
ERP No. BL-05377 Exhibit No. 1

## IV. MONITORING PLAN

A. MITIGATION SUCCESS WILL BE ASSESSED THROUGH MONITORING REPORTS. A TIME-ZERO OR BASELINE REPORT WILL BE CONDUCTED WITH CONSECUTIVE REPORTS FOLLOWING ON A REGULAR BASIS. EACH REPORT WILL INCLUDE:

1. A SUMMARY OF VISUAL FIELD OBSERVATIONS, WHICH INCLUDES THE NUMBER AND/OR PERCENT COVER OF PLANT SPECIES.
2. COMMENTS AND/OR RECOMMENDATIONS FOR PERMIT COMPLIANCE.
3. A PHOTOGRAPHIC RECORD.
4. A HYDROGRAPH BASED ON THE STAFF GAUGE WATER LEVEL READINGS, WITH DATA BEING RECORDED ON A MINIMUM BI-WEEKLY BASIS.
5. OBSERVATIONS OF FISH/WILDLIFE AND SAMPLING FOR AQUATIC MACROFAUNA.
6. EVALUATION OF THE SUCCESS OF THE MITIGATION/MAINTENANCE EFFORT.

B. AGENCIES TO RECEIVE AND REVIEW REPORTS INCLUDE:

1. BROWARD COUNTY ENVIRONMENTAL PROTECTION DEPARTMENT (TIME-ZERO REPORT AND QUARTERLY MONITORING REPORTS FOR FIVE YEARS) (TOTAL OF 21 REPORTS).

## V. MAINTENANCE PLAN

A. MAINTENANCE SHALL BE PERFORMED QUARTERLY FOR A PERIOD OF FIVE YEARS. THIS WILL PROVIDE A GUARANTEED SURVIVAL RATE OF 80% FOR THE PLANTED SPECIES IN THE UPLAND AREAS AND 80% COVERAGE OF DESIRABLE OBLIGATED AND FACULTATIVE WETLAND SPECIES IN THE AQUATIC AND MARSH AREAS WITHIN THE FIRST TWO YEARS. REPLANTING WILL BE PERFORMED IF NECESSARY TO MEET PERMIT REQUIREMENTS.

PERMITEE WILL BE RESPONSIBLE FOR THE REMOVAL OF EXOTIC AND NUISANCE VEGETATION AND DEBRIS FROM THE MITIGATION AREA FOR THE LENGTH OF THE MONITORING PERIOD. EXOTIC VEGETATION SHALL INCLUDE SUCH SPECIES CURRENTLY LISTED BY THE FLORIDA EXOTIC PEST PLANT COUNCIL. NUISANCE VEGETATION CAN INCLUDE SUCH SPECIES AS PRIMROSE WILLOW, TORPEDO GRASS, AND CATTAIL. MITIGATION AREAS SHALL BE FREE FROM EXOTIC/NUISANCE VEGETATION IMMEDIATELY FOLLOWING A MAINTENANCE ACTIVITY. TOTAL COVERAGE OF EXOTIC AND NUISANCE SPECIES SHALL NOT EXCEED 2% BETWEEN MAINTENANCE ACTIVITIES.

MAINTENANCE WILL BE CONDUCTED QUARTERLY AND WILL USE APPROPRIATE METHODS OF CONTROL WHICH INCLUDE BUT ARE NOT LIMITED TO CUTTING, MOWING, CHEMICAL TREATMENT, HAND REMOVAL, OR ANY COMBINATION THEREOF.

BROWARD COUNTY  
ENVIRONMENTAL PROTECTION AND  
GROWTH MANAGEMENT DEPARTMENT  
ENVIRONMENTAL RESOURCE  
PERMIT & LICENSES

SWM No. 2009-007-ERL No. BE07-1232  
ERP No. 06-05822 Exhibit No. 12

MITIGATION PROGRAM

MILLER LEGG  
South Florida Office: 1001 North Douglas Road - Suite 100  
Pompano Beach, Florida 33062-4000  
Tel: 954-781-1100 Fax: 954-781-1101  
www.millerlegg.com

IDI POMPAÑO BUSINESS CENTER PHASE II  
CITY OF POMPAÑO BEACH, FLORIDA  
FOR: INDUSTRIAL DEVELOPMENTS INTERNATIONAL, INC.

8/2/08

## VI. MITIGATION PROGRAM DETAILS

### PLANTING VARIATIONS

INSTALLATION PER THE PLANTING SCHEDULE IS ANTICIPATED TO BE IN GROUPINGS OR CLUSTERS WITHIN THE MITIGATION AREA. FIELD LOCATION OF THE APPROPRIATE NUMBERS AND SPECIES OF PLANTS WILL BE NECESSARY IN ORDER TO MAXIMIZE THE AESTHETIC VIEWS AND HABITAT DIVERSITY WITHIN THE MITIGATION AREA. THE PLANTING SCHEDULE MAY VARY UP TO 5% PER SPECIES AS NECESSARY TO ACCOUNT FOR MARKET AVAILABILITY, FIELD CONDITIONS AND OTHER FACTORS.

### HYDROLOGY

THE DESIGN CONTROL WATER ELEVATION OF THE SITE IS 9.0 FEET N.G.V.D. IT IS ANTICIPATED AND DESIRED THAT PORTIONS OF THE MARSH (IE., SHALLOW EDGES, CYPRESS ISLANDS) EXPERIENCE VARYING SEASONAL HYDROLOGIC FLUCTUATIONS. THE DESIGN EMULATES TYPICAL EVERGLADES HYDROLOGIC CONDITIONS BETWEEN THE WET AND DRY SEASONS. PLANTING SCHEDULE AND ELEVATIONS HAVE BEEN DESIGNED ACCORDINGLY FOR THIS HYDROLOGIC REGIME.

## VII. ESTIMATED CONSTRUCTION SCHEDULE

### ACTIVITY

### ESTIMATED DATES

BEGIN EARTHWORK AND PLANTING	DECEMBER 2009
COMPLETE EARTHWORK AND PLANTING	MAY 2010
SUBMIT TIME ZERO MONITORING REPORT	JUNE 2010
SUBMIT 1ST QUARTERLY MONITORING REPORT	SEPTEMBER 2010
SUBMIT 2ND QUARTERLY MONITORING REPORT	DECEMBER 2010
SUBMIT 3RD QUARTERLY MONITORING REPORT	MARCH 2011
SUBMIT 4TH QUARTERLY MONITORING REPORT	JUNE 2011
SUBMIT 5TH QUARTERLY MONITORING REPORT	SEPTEMBER 2011
SUBMIT 6TH QUARTERLY MONITORING REPORT	DECEMBER 2011
SUBMIT 7TH QUARTERLY MONITORING REPORT	MARCH 2012
SUBMIT 8TH QUARTERLY MONITORING REPORT	JUNE 2012
SUBMIT 9TH QUARTERLY MONITORING REPORT	SEPTEMBER 2012
SUBMIT 10TH QUARTERLY MONITORING REPORT	DECEMBER 2012
SUBMIT 11TH QUARTERLY MONITORING REPORT	MARCH 2013
SUBMIT 12TH QUARTERLY MONITORING REPORT	JUNE 2013
SUBMIT 13TH QUARTERLY MONITORING REPORT	SEPTEMBER 2013
SUBMIT 14TH QUARTERLY MONITORING REPORT	DECEMBER 2013
SUBMIT 15TH QUARTERLY MONITORING REPORT	MARCH 2014
SUBMIT 16TH QUARTERLY MONITORING REPORT	JUNE 2014
SUBMIT 17TH QUARTERLY MONITORING REPORT	SEPTEMBER 2014
SUBMIT 18TH QUARTERLY MONITORING REPORT	DECEMBER 2014
SUBMIT 19TH QUARTERLY MONITORING REPORT	MARCH 2015
SUBMIT 20TH QUARTERLY MONITORING REPORT	JUNE 2015

BROWARD COUNTY  
ENVIRONMENTAL PROTECTION AND  
GROWTH MANAGEMENT DEPARTMENT  
ENVIRONMENTAL RESOURCE  
PERMIT & LICENSES

SWM No. 2009-003-0 ERL No. BE07-1232  
ERP No. 06-05722-1 Exhibit No. 13

MITIGATION PROGRAM

MILLER LEGG  
10000 N. W. 11th Ave., Suite 100  
Miami, FL 33150  
Tel: 305.444.1111 Fax: 305.444.1112  
www.millerlegg.com

IDI POMPAÑO BUSINESS CENTER PHASE II  
CITY OF POMPAÑO BEACH, FLORIDA  
FOR: INDUSTRIAL DEVELOPMENTS INTERNATIONAL, INC.



AGREEMENT

between

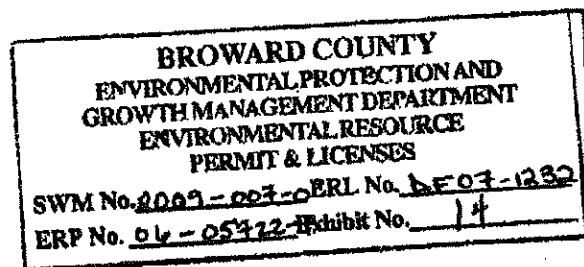
CITY OF PLANTATION

and

INDUSTRIAL DEVELOPMENTS INTERNATIONAL, INC.

for

MITIGATION AT THE PLANTATION PRESERVE GOLF COURSE



(the "WORK") which will establish approximately twenty-nine (29) acres of wetlands mitigation credits (hereinafter referred to collectively as the "CREDITS") that in part will be used to satisfy CONTRIBUTOR'S OFF-SITE MITIGATION REQUIREMENT; and

**WHEREAS**, CONTRIBUTOR wishes to make a cash contribution to CITY for use and in consideration of sufficient CREDITS to satisfy the OFF-SITE MITIGATION REQUIREMENT; and

**WHEREAS**, CITY wishes to accept such cash contribution and enter into this Agreement to obtain funding for a portion of the WORK which CITY will be required to undertake and perpetually maintain by the CITY PERMITS; and

**WHEREAS**, CITY agrees that the WORK will benefit the public and PROPERTY significantly, and as such, is in CITY's best interest;

**NOW, THEREFORE**, in consideration of the mutual terms, conditions, promises, and covenants as herein set forth, CONTRIBUTOR and CITY agree as follows:

1. That the above recitals are true and correct and made a part hereof as if set forth in full hereunder.
2. On or before the fifteenth (15<sup>th</sup>) day after the date on which all of the "CONDITIONS PRECEDENT" (as hereinafter defined) set forth in paragraph 6 below are satisfied (hereinafter referred to as the "REMITTANCE DATE"), CONTRIBUTOR shall remit to CITY'S Financial Services Department an amount equal to Eighty-three thousand, four hundred, thirty and No/100 (\$83,430.00) Dollars per acre (the "REMITTANCE AMOUNT") for each acre of the PROPERTY for which CONTRIBUTOR obtains CREDITS and actually uses such CREDITS up to a maximum of 1.72 acres to satisfy the OFF-SITE MITIGATION REQUIREMENT, provided, however, if the actual acreage is less than (1.72) acres, then CONTRIBUTOR shall nevertheless pay CITY a REMITTANCE AMOUNT of One Hundred Forty-Three thousand Five Hundred and No/100 (\$143,500.00) Dollars. The Remittance Amount shall be placed by CITY in the City of Plantation Preserve Wetlands Mitigation Trust Fund which is restricted for the construction, maintenance and monitoring expenditures associated with the WORK. CONTRIBUTOR shall pay to CITY a "DEPOSIT" in the amount of Twenty Five Thousand and No/100 (\$25,000) Dollars simultaneously with CONTRIBUTOR'S execution of this Agreement. In that regard, CITY acknowledges that CONTRIBUTOR shall receive a credit against the REMITTANCE AMOUNT in an amount equal to the DEPOSIT.
3. CITY acknowledges that CONTRIBUTOR: (a) estimates the acreage of the OFF-SITE MITIGATION REQUIREMENT to be not more than 1.72 acres. Based on the foregoing, CITY shall reserve under the CITY PERMITS for use by CONTRIBUTOR CREDITS of not more than 1.72 acres of the PROPERTY that will be used to satisfy the OFF-SITE MITIGATION REQUIREMENT.

CONTRIBUTOR, this Agreement shall terminate, and the parties shall be released from any and all obligations, each to the other, under this Agreement.

7. All regulatory agencies which issue permits or approvals to CITY for the WORK shall all have the right to enter the PROPERTY to inspect and evaluate the WORK for compliance with whatever permits, licenses, and approvals CITY may receive from them.
8. At no cost to CITY, CONTRIBUTOR shall execute all documents which are reasonably necessary in connection with the obtaining of the CITY PERMITS and shall otherwise immediately cooperate with CITY when reasonable and necessary to do so. At no cost to CONTRIBUTOR, CITY shall execute all documents which are reasonably necessary in connection with the obtaining of the CONTRIBUTOR LICENSE and shall otherwise immediately cooperate with the CONTRIBUTOR when reasonable and necessary to do so.
9. Any notice or other communication required or permitted to be given hereunder shall be in writing and sent certified mail and shall be deemed to have been duly given if deposited in the United States mail. Notice shall be given to all the individuals listed below at the address indicated:

FOR CITY:

Daniel W. Keefe, Assistant to the Mayor  
CITY OF PLANTATION  
400 NW 73<sup>rd</sup> Avenue.  
Plantation, Florida 33317  
Telephone: (954) 797-2212  
Fax: (954) 797-2223

With a copy to:  
Donald J. Lunny, Jr. CITY Attorney  
CITY OF PLANTATION Attorney's Office  
400 NW 73<sup>rd</sup> Avenue  
Plantation, Florida 33317  
Telephone: (954) 522-2200  
Fax: (954) 522-9123

FOR CONTRIBUTOR:

Joe Goss, Vice President, Construction  
Industrial Developments International, Inc.  
515 East Las Olas Boulevard  
Fort Lauderdale, Florida 33301  
Telephone 954-678-2104  
Fax 954-678-2110

FOR CITY:

Dylan Larson, Director of Environmental Services  
Miller Legg and Associates  
1000 Douglas Road  
Suite 200  
Pembroke Pines, Florida 33324

11. In the event that CITY fails to keep or perform any of the terms, conditions or covenants under this Agreement on the part of CITY to be performed (hereinafter referred to as a "CITY BREACH") prior to the REMITTANCE DATE, CONTRIBUTOR shall provide written notice to CITY requiring the satisfactory and immediate correction of the CITY BREACH within thirty (30) calendar days of such written notice. If CITY fails to remedy the CITY BREACH within said thirty (30) days, or if said CITY BREACH is not susceptible to cure within thirty (30) calendar days and CITY is not working diligently to remedy such CITY BREACH, then CONTRIBUTOR shall have the right to: (a) terminate this Agreement and receive the immediate return of the DEPOSIT from CITY; and/or (b) seek equitable relief against CITY, including, without limitation, the right of specific performance and injunctive relief. If after the REMITTANCE DATE CITY commits a CITY BREACH, CONTRIBUTOR shall provide written notice to CITY requiring the satisfactory and immediate correction of the CITY BREACH within thirty (30) calendar days of such written notice. If CITY fails to remedy the CITY BREACH within said thirty (30) days, or if said CITY BREACH is not susceptible to cure within thirty (30) calendar days and CITY is not working diligently to remedy such CITY BREACH, then CONTRIBUTOR shall have the right to: (a) seek monetary damages against CITY not to exceed the amounts set forth in paragraph 23 below; and (b) if the City of Plantation Preserve Wetlands Mitigation Trust Fund (i) contains funds, seek equitable relief against CITY, including, without limitation, the right of specific performance and injunctive relief, provided that the City shall not be required to expend any amounts in excess of the funds contained in the City Plantation Preserve Wetlands Mitigation Trust Fund in complying with any court order or decree, and provided further that the maximum liability of the CITY for damages pursuant to paragraph 11(b)(i), or (ii) does not contain funds, take such action that is necessary to cure the CITY

consideration contingent upon or resulting from the award or making of this Agreement. For a breach or violation of this provision, CITY shall have the right to terminate this Agreement without liability at its discretion.

16. If there is a conflict or inconsistency between any term, statement, requirement, or provision of any exhibit attached hereto, any document or events referred to herein, or any document incorporated into this Agreement by reference and a term, statement, requirement, or provision of this Agreement, the term, statement, requirement, or provision contained in this Agreement shall prevail.
17. This Agreement shall be interpreted and construed in accordance with and governed by the laws of the State of Florida. Any controversies or legal problems arising out of this Agreement and any action involving the enforcement or interpretation of any rights hereunder shall be submitted to the jurisdiction of the State courts of Florida located in Broward County. In the event of litigation, the prevailing party shall be entitled to recover its reasonable attorneys' fees and costs from the non-prevailing party, subject to a maximum of One Hundred Thousand and No/100 (\$100,000) Dollars.
18. No modification, amendment, or alteration in the terms or conditions contained herein shall be effective unless contained in a written document prepared with the same or similar formality as this Agreement and executed by the CITY Council and CONTRIBUTOR.
19. In the event this Agreement or a portion of this Agreement is found by a court of competent jurisdiction to be invalid, the remaining provisions shall continue to be effective.
20. The parties acknowledge that they have sought and received whatever competent advice and counsel as was necessary for them to form a full and complete understanding of all rights and obligations herein and that the preparation of this Agreement has been their joint effort. The language agreed to expresses their mutual intent and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the parties than the other.
21. The Parties agree that this Agreement may be executed in multiple counterparts, each of which individually shall be deemed an original, but when taken together shall be deemed to be one and the same Agreement.
22. Notwithstanding anything to the contrary, CITY'S liability to CONTRIBUTOR for a CITY BREACH shall not exceed the REMITTANCE AMOUNT paid by CONTRIBUTOR (or if no REMITTANCE AMOUNT has been paid, then the sum of One Hundred Forty-Three Thousand Five Hundred and No/100 (\$143,500.00) Dollars), inclusive of costs, damages, interest, expenses, and attorneys' fees.

[SIGNATURES FOLLOW ON NEXT PAGE].

**STAFF REPORT DISTRIBUTION LIST  
ADDRESSES**

**Owner:**

Industrial Development Industries (IDI)  
Attention: Scott Helms  
515 East Las Olas Boulevard, Suite 960  
Fort Lauderdale, FL 33301

**Applicant:**

Industrial Development Industries (IDI)  
Attention: Scott Helms  
515 East Las Olas Boulevard, Suite 960  
Fort Lauderdale, FL 33301

**Engineering**

**Consultant:**

SUN TECH ENGINEERING  
1600 W OAKLAND PK BLVD  
FORT LAUDERDALE, FL 33311

**Other:**

City of Pompano Beach Building Official  
Army Corps of Engineers

<b>BROWARD COUNTY</b>	
<b>ENVIRONMENTAL PROTECTION AND GROWTH MANAGEMENT DEPARTMENT</b>	
<b>ENVIRONMENTAL RESOURCE PERMIT &amp; LICENSES</b>	
SWM No. <u>2009-007-0</u>	ERI No. <u>2007-1230</u>
EEP No. <u>01-05722</u>	Exhibit No. <u>15</u>

**EXHIBIT "C"**

ENVIRONMENTAL RESOURCE LICENSE

[SEE ATTACHED]





Environmental Protection and Growth Management Department  
**ENVIRONMENTAL LICENSING AND BUILDING PERMITTING DIVISION**  
**Environmental Engineering and Licensing Section**  
1 North University Drive, Room 201-A, Plantation, Florida 33324  
Phone \* 954-519-1483 Fax \* 954-519-1412

January 10, 2017

Industrial Developments International, LLC  
Attention: Mr. Scott Helms  
515 East Las Olas Boulevard  
Fort Lauderdale, FL 33301

RE: Pompano Business Center, Phase II  
City of Pompano Beach, S/T/R (21-48-42)

This is to notify you of the Environmental Protection and Growth Management Department's (EPGMD) action concerning your application received 04/04/2016. The application has been reviewed for compliance with the following requirements:

**ERP Review - GRANTED**

EPGMD has the authority to review the project for compliance with the provisions of Chapter 373, Part IV, Florida Statutes pursuant to an agreement between EPGMD, DEP and the SFWMD. The agreement is outlined in a document entitled "DELEGATION AGREEMENT AMONG THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT, AND BROWARD COUNTY."

Based on the information submitted, Environmental Resource Permit No. 06-05722-P was issued on 01/10/2017.

Should you object to the conditions of the Environmental Resource Permit, please refer to the attached "Notice of Rights" which addresses the procedures to be followed if you desire a public hearing or other review of the proposed action. Please contact this office if you have any questions concerning this matter. If we do not hear from you in accordance with the attached "Notice of Rights", we will assume you concur with the action taken by EPGMD.

**Broward County Surface Water Management Review - GRANTED**

EPGMD has reviewed the project for compliance with the Surface Water Management requirements of Chapter 27, Article V Sec. 27-191 through 27-202 of the Broward County Code.

Based on the information submitted, Surface Water Management License No. SWM2009-007-2 was issued on 01/10/2017. The above named 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 licensee, and made a part hereof.

Please be advised that no Certificate of Occupancy can be issued on this project until released, in writing, by all EPGMD divisions as required. Such release will be pending approval of any engineering certifications required by specific condition No. 15.

**Broward County Environmental Resource License Review - GRANTED**

EPGMD has reviewed the project, and the construction shall be in accordance with Application DEP form 62-330.060(1), the EPGMD Application, and all associated information received on 04/04/2016. Based on the information submitted, the plans have been approved and stamped with Broward County Environmental Resource License (ERL) No. DF16-1067.

The above referenced approvals will remain in effect subject to the following:

1. Not receiving a filed request for a Chapter 120, Florida Statutes administrative hearing;
2. the attached SFWMD General Conditions;
3. the attached SFWMD Special Conditions;
4. the attached Broward County General Conditions;
5. the attached Broward County Specific Conditions;
6. the attached 20 exhibits.

Issuance of the above referenced Broward County license(s) constitutes 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 Ordinance.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a "Notice of Rights" has been mailed to the Permittee (and the persons listed in the attached distribution list) no later than 5:00 p.m. on 01/10/2017, in accordance with Section 120.60 (3), Florida Statutes.

By: \_\_\_\_\_

Carlos Adoriso, P.E., Engineering Unit Supervisor  
Surface Water Management Program

Enclosed are the following:

- ☒ executed staff report;
- ☒ set(s) of stamped and approved plans;
- ☒ Notice of Rights; and
- ☒ Inspection Guidelines Brochure.



Surface Water Management Program

## "What to Expect When We Are Inspecting Surface Water Management Systems"

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A guideline for **engineers, contractors, and licensees** of surface water management systems when applying for the release of Certificate(s) of Occupancy.

The intent of this document is to establish some guidelines to achieve compliance with the Code while maximizing customer service needs to licensees and their agents and the local building departments by facilitating the Certificate(s) of Occupancy (CO) release procedure for building projects. It is also the intent of this document to encourage licensees and their agents and the local building departments to not put our inspection staff on the "critical path". ***We recognize that the local building departments must adhere to the requirements of the Florida Building Code and the requirements of Article I of the Broward County Natural Resource Protection Code.***

The Environmental Licensing and Building Permitting Division (ELBPD) - Surface Water Management Licensing program has the responsibility of reviewing designs, licensing, and inspecting surface water management systems within portions of Broward County under the provisions of the Broward County Natural Resource Protection Code, Chapter 27, Section 27-191 through Section 27-201. This includes enforcement for the purpose of protecting our natural resources. This document contains specific information about the ELBPD's surface water management inspection procedures, review of record/as-built drawings, and time required to complete the procedure successfully. Please be advised this document may be included with the approved license and may be modified on an as-needed basis.

***The following certification package must be submitted at least two (2) weeks prior to the anticipated date of occupancy; exceptions may be made on a case by case basis.***

***Note: Item 1 is not applicable to plans stamped as General Licenses (GL##-###). Items 2 & 3 may apply to GL if plans are stamped for construction certification.***

1. Final Record/As-built Drawings (hard copy and electronic) of the site, lake/canal slopes, control structure(s) or overflow structure(s) (where applicable), and Finished Floor Elevation(s); etc.
2. Signed and sealed letter from a Florida-Registered Professional Engineer certifying all components of the surface water management system were constructed in substantial conformance with the approved plans; and
3. When requesting a partial certification include a \$100 partial certification fee (fees are subject to change). The certifying engineer must indicate that a substantial amount of the water management system has been constructed to serve the partial phase to satisfy the water quality and water quantity requirements of the Code and exactly which lots/buildings are requested for release.

Staff will perform an inspection on a first-come first-served basis of the above items. A successful submittal of the required items will prevent unwanted delays in the inspection and CO release processes.

### ***What we look for During the Record/As-Built Drawing Review and During the Inspection***

1. The engineer's letter must contain the appropriate certification language. The suggested wording is located in the Code and in the specific conditions of the license. The letter must be signed and sealed. It is imperative that the engineer of record describe any minor modifications to the system that were made during the construction of the project. However, substantial modifications must have received prior approval by the Surface Water Licensing Program.
2. The as-built/record drawing must document the Finished Floor Elevation(s) showing substantial conformance with approved plans.
3. In addition to rim, manhole, and pipe invert elevations, the plans should contain a sufficient amount of survey information to show that the site grades and perimeter grades were constructed in substantial conformance with the approved plans.
4. If part of the approved system, lake and canal slope as-built plans should contain a substantial number of cross sections (a minimum of 1 section per 50 linear feet is preferred) to show compliance with the Department's slope criteria. The staff reserves the right to require additional slope cross sections as necessary as well as slope regrading. Surface area calculations at the control elevation should be submitted for lakes.
5. Control structure or overflow structure information must show all (as-built) dimensions and elevations.
6. All catch basin and manhole structures must have appropriate mudwork to prevent seepage that could lead to structure/asphalt failures and subsequent turbidity violations.
7. All catch basins, manholes, and pipes must be relatively free of sediment and debris and must be accessible to staff. Arrangements should be made with staff for inspecting basins that are covered with fabric materials for sediment control purposes. Fabric must be removed by the licensee or other appropriate personnel prior to the inspection.
8. Lake, canal, swale, dry detention/retention area slopes must be stabilized through appropriate measures, i.e., no evidence of erosion or sedimentation should be encountered during the inspection. Arrangements should be made with staff with regards to timeliness of sodding or seeding slopes and bottoms of dry detention/retention areas.
9. All baffle mechanisms must be made water tight at all contact surfaces of basin walls by a durable gasket device.

***Successful compliance with the above items will insure a timely release of the Certificate(s) of Occupancy from division staff.***

Upon completion of the field inspection, arrangements with inspection staff will be made to correct all observed field deficiencies. With your cooperation, the Operation Letter will be released upon correction of all field deficiencies.

#### **Environmental Licensing and Building Permitting Division**

Surface Water Management Program

1 North University Drive, Suite 201-A • Plantation, Florida 33324

Phone 954-519-1483 FAX 954-519-1412

## **NOTICE OF RIGHTS**

As required by Sections 120.569(1), and 120.60(3), Fla. Stat., following is notice of the opportunities which may be available for administrative hearing or judicial review when the substantial interests of a party are determined by an agency. Please note that this Notice of Rights is not intended to provide legal advice. Not all the legal proceedings detailed below may be an applicable or appropriate remedy. You may wish to consult an attorney regarding your legal rights.

### **RIGHT TO REQUEST ADMINISTRATIVE HEARING**

A person whose substantial interests are or may be affected by the Broward County Environmental Protection and Growth Management Department's (EPGMD, formerly known as Department of Planning and Environmental Protection or DPEP) action under the "Delegation Agreement Among the Florida Department of Environmental Protection, The South Florida Water Management District and Broward County" has the right to request an administrative hearing on that action pursuant to Sections 120.569 and 120.57, Fla. Stat. Persons seeking a hearing on an EPGMD decision which does or may determine their substantial interests shall file a petition for hearing with the EPGMD Environmental Compliance Administrator, within 21 days of receipt of written notice of the decision, unless the following shorter time period applies: within 14 days of service of an Administrative Order pursuant to Subsection 373.119(1), Fla. Stat. "Receipt of written notice of agency decision" means receipt of either written notice through mail, or electronic mail, or posting that the EPGMD has or intends to take final agency action, or publication of notice that the EPGMD has or intends to take final agency action. Any person who receives written notice of an EPGMD decision and fails to file a written request for hearing within the timeframe described above waives the right to request a hearing on that decision.

### **Filing Instructions**

The Petition must be filed with the EPGMD Enforcement Administration Section's Environmental Compliance Administrator. Filings with the Environmental Compliance Administrator may be made by mail, hand-delivery or facsimile. **Filings by facsimile will not be accepted after October 1, 2014.** A petition for administrative hearing is deemed filed upon receipt during normal business hours by the Environmental Compliance Administrator, at the Broward County government offices in Plantation, Florida. Any document received by the EPGMD Enforcement Administration after 5:00 p.m. shall be filed as of 8:00 a.m. on the next regular business day. Additional filing instructions are as follows:

- Filings by mail must be addressed to the Environmental Compliance Administrator, Enforcement Administration Section, 1 N University Drive, Suite 307, Plantation, FL 33324.
- Filings by hand-delivery must be delivered to the EPGMD Enforcement Administration Section. **Delivery of a petition to the Broward County security desk does not constitute filing. To ensure proper filing, it will be necessary to request the Broward County security officer to contact the Environmental Compliance Administrator's office.** An employee of the Environmental Compliance Administrator's office will receive and file the petition.
- Filings by e-mail must be transmitted to the EPGMD Enforcement Administration Section at [epdhotline@broward.org](mailto:epdhotline@broward.org). The filing date for a document transmitted by electronic mail shall be the date the EPGMD Enforcement Administration Section receives the complete document. A party who files a document by e-mail shall (1) represent that the original physically signed document will be retained by that party for the duration of the proceeding and of any subsequent appeal or subsequent proceeding in that cause and that the party shall produce it upon the request of other parties; and (2) be responsible for any delay, disruption, or interruption of the electronic signals and accepts the full risk that the document may not be properly filed.

### **Initiation of an Administrative Hearing**

Pursuant to Rules 28-106.201 and 28-106.301, Fla. Admin. Code, initiation of an administrative hearing shall be made by written petition to the EPGMD in legible form and on 8 and 1/2 by 11 inch white paper. All petitions shall contain:

1. Identification of the action being contested, including the permit number, application number, EPGMD file number or any other EPGMD identification number, if known.
2. The name, address and telephone number of the petitioner and petitioner's representative, if any.
3. An explanation of how the petitioner's substantial interests will be affected by the agency determination.
4. A statement of when and how the petitioner received notice of the EPGMD's decision.
5. A statement of all disputed issues of material fact. If there are none, the petition must so indicate.
6. A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the EPGMD's proposed action.
7. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the EPGMD's proposed action.
8. If disputed issues of material fact exist, the statement must also include an explanation of how the alleged facts relate to the specific rules or statutes.
9. A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the EPGMD to take with respect to the EPGMD's proposed action.

A person may file a request for an extension of time for filing a petition. The EPGMD may, for good cause, grant the request. Requests for extension of time must be filed with the EPGMD prior to the deadline for filing a petition for hearing. Such requests for extension shall contain a certificate that the moving party has consulted with all other parties concerning the extension and that the EPGMD and any other parties agree to or oppose the extension. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

If the EPGMD takes action with substantially different impacts on water resources from the notice of intended agency decision, the persons who may be substantially affected shall have an additional point of entry pursuant to Rule 28-106.111, Fla. Admin. Code, unless otherwise provided by law.

### **Mediation**

The procedures for pursuing mediation are set forth in Section 120.573, Fla. Stat., and Rules 28-106.111 and 28-106.401-.405, Fla. Admin. Code. The EPGMD is not proposing mediation for this agency action under Section 120.573, Fla. Stat., at this time.

### **RIGHT TO SEEK JUDICIAL REVIEW**

Pursuant to Sections 120.60(3) and 120.68, Fla. Stat., a party who is adversely affected by final EPGMD action may seek judicial review of the EPGMD's final decision by filing a notice of appeal pursuant to Florida Rule of Appellate Procedure 9.110 in the Fourth District Court of Appeal or in the appellate district where a party resides and filing a second copy of the notice with the Environmental Compliance Administrator within 30 days of rendering of the final EPGMD action.

### **SFWMD General Conditions**

1. All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with Rule 62-330.315, F.A.C. Any deviations that are not so authorized may subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S.
2. A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase, and shall be available for review at the work site upon request by the Agency staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.
3. Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation June 2007), and the Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008), which are both incorporated by reference in subparagraph 62-330.050(9)(b)5, F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.
4. At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the Agency a fully executed Form 62-330.350(1), 'Construction Commencement Notice,' indicating the expected start and completion dates. A copy of this form may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C. If available, an Agency website that fulfills this notification requirement may be used in lieu of the form.
5. Unless the permit is transferred under Rule 62-330.340, F.A.C., or transferred to an operating entity under Rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms and conditions of the permit for the life of the project or activity.
6. Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:
  - a. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex - 'Construction Completion and Inspection Certification for Activities Associated With a Private Single-Family Dwelling Unit' [Form 62-330.310(3)]; or
  - b. For all other activities - 'As-Built Certification and Request for Conversion to Operational Phase' [Form 62-330.310(1)].
  - c. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.
7. If the final operation and maintenance entity is a third party:
  - a. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as-built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.3 of Volume I) as filed with the Department of State, Division of Corporations and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.
  - b. Within 30 days of submittal of the as-built certification, the permittee shall submit 'Request for Transfer of Environmental Resource Permit to the Perpetual Operation Entity' [Form 62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.
8. The permittee shall notify the Agency in writing of changes required by any other regulatory agency that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.

9. This permit does not:
- Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;
  - Convey to the permittee or create in the permittee any interest in real property;
  - Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
  - Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.
10. Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.
11. The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.
12. The permittee shall notify the Agency in writing:
- Immediately if any previously submitted information is discovered to be inaccurate; and
  - Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer of the permit in accordance with Rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.
13. Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.
14. If any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, work involving subsurface disturbance in the immediate vicinity of such discoveries shall cease. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section, at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Such subsurface work shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and notification shall be provided in accordance with Section 872.05, F.S.
15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.
16. The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other uplands in a manner that does not require a permit under Chapter 62-330, F.A.C., or cause violations of state water quality standards.
17. This permit is issued based on the applicant's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the Agency will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.
18. Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with Rule 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.



### **SFWMD Special Conditions**

1. The permittee shall be responsible for the correction of any erosion, shoaling or water quality problems that result from the construction or operation of the surface water management system.
2. Measures shall be taken during construction to insure that sedimentation and/or turbidity problems are not created in the receiving water.
3. The District reserves the right to require that additional water quality treatment methods be incorporated into the drainage system if such measures are shown to be necessary.
4. Facilities other than those stated herein shall not be constructed without an approved modification of this permit.
5. The conditions outlined in the Broward County Specific Conditions section, except where language specifically relates to Broward County Code, are incorporated into these SFWMD Special Conditions.
6. A stable, permanent and accessible elevation reference shall be established on or within one hundred (100) feet of all permitted discharge structures no later than the submission of the certification report. The location of the elevation reference must be noted on or with the certification report.
7. Operation of the surface water management system shall be the responsibility of permittee.
8. This permit expires on 1/10/2022.
9. If prehistoric or historic artifacts such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, the permitted project should cease all activities involving subsurface disturbance in the immediate vicinity of such discoveries. The Permittee or other designee should contact the Florida Department of State, Division of Historical Resources, Review and Compliance Section at 850-245-6333 or 800-847-7278, as well as the appropriate permitting agency office. Project activities should not resume without verbal and/or written authorization from the Division of Historical Resources.

In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately and the proper authorities notified in accordance with section 872.05, Florida Statutes.

### **Broward County General Conditions**

1. The terms, conditions, requirements, limitations and restrictions set forth herein are accepted by the licensee and must be completed by the licensee and are enforceable by the Environmental Protection and Growth Management Department (EPGMD) pursuant to Chapter 27 of the Broward County Code of Ordinances. The EPGMD will review this license periodically and may revoke or suspend the license, and initiate administrative and/or judicial action for any violation of the conditions by the licensee, its agents, employees, servants or representatives.
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, suspension, and/or enforcement action by the EPGMD.
3. In the event the licensee is temporarily unable to comply with any of the conditions of the license or with this chapter, the licensee shall notify the EPGMD within eight (8) hours or as stated in the specific section of this chapter. Within three (3) 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 regarding the repair, replacement and reconstruction of destroyed facilities and a schedule of events leading toward operation with the license condition.
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 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 licensed facility or activity, that are submitted to the EPGMD, may be used by the 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 Section 403.111, Florida Statutes.
7. The licensee agrees to comply with Chapter 27 of the Broward County Code of Ordinances, and shall comply with all provisions of the most current version of this chapter, as amended.
8. Any new owner or operator 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 a transfer of license. The transferee shall be liable for any violation of Chapter 27 of the Broward County Code of Ordinances that results from the transferee's activities. The transferee shall comply with the transferor's original license conditions when the transferee has failed to obtain its own license.
9. The licensee, by acceptance of this license, specifically agrees to allow access and shall allow access to the licensed source, activity or facility at 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, approval, or regulatory requirement by this or any other governmental agency that may be required.
11. 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.

### **Broward County Specific Conditions**

1. The licensee shall allow authorized personnel of the Environmental Protection and Growth Management Department (EPGMD), municipality or local water control district to conduct such inspections at reasonable hours, as are necessary to determine compliance with the requirements of the license and the approved plans and specifications.
2. The responsible entity shall agree to maintain the operating efficiency of the water management works. Except in cases where the responsible entity is a governmental agency, the agreement shall further require that if the water management works is not adequately maintained, the County may undertake the required work and bill all associated costs to the responsible entity. If the payment for such obligations is not satisfied within 30 days, said obligation shall become a lien against the property associated with the water management works. Where ownership of the water management works is separate from property ownership, the EPGMD shall require these agreements to be recorded.
3. The licensee shall execute the work authorized in a manner so as to minimize any adverse impact of the works on fish, wildlife, natural environmental values, and water quality. The licensee shall institute necessary measures during the construction period, including fill compaction of any fill material placed around newly installed structures, to reduce erosion, turbidity, nutrient loading and sedimentation in the receiving waters. Any erosion, shoaling or deleterious discharges due to permitted actions will be corrected promptly at no expense to the County.
4. The licensee shall comply with all applicable local land use and subdivision regulations and other local requirements. In addition, the licensee shall obtain all necessary Federal, State, local and special district authorizations prior to the start of any construction alteration of works authorized by this license.
5. Off-site discharges during construction and development shall be made only through the facilities authorized by this license. Water discharged from the project shall be through structures having a mechanism for regulating upstream water stages. Stages may be subject to operating schedules satisfactory to the appropriate regulatory agency.
6. The licensee shall hold and save the County harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, operation, maintenance or use of any facility authorized by the license.
7. The license does not convey property rights nor any rights or privileges other than those specified therein.
8. No construction authorized by the license shall commence until a responsible entity acceptable to the EPGMD has been established and has agreed to operate and maintain the efficiency of the system. The entity must be provided with sufficient ownership so that it has control over all water management facilities authorized therein. Upon receipt of written evidence of the satisfaction of this condition, the EPGMD will issue authorization to commence the construction.
9. No beautification, or erection of any structure that will prohibit or limit access of maintenance equipment or vehicles in the right-of-way or easements will be allowed.
10. Any license which grants any entity the permission to place a structure on property which is owned by Broward County or upon which Broward County has an easement shall be construed to create a revocable license for that structure to remain on the property. Broward County may require removal of such a structure at no cost to the County.
11. The area under license will be maintained in a safe and operating condition at all times. Equipment will be promptly removed from the right-of-way or easement and the right-of-way or easement will be restored to its original or better condition within a reasonable time on termination of the authorized use.

12. The EPGMD will be notified, as required in the license or as indicated on the approved plans, to coordinate and schedule inspections.

13. The operation or construction will be in accordance with the approved details and plans submitted with the application. Any modification must be submitted to the EPGMD in writing and receive prior approval.

14. Monitoring may be required for sites with high pollutant generating potential, such as industrial sites, Class I and II solid waste disposal sites, and projects discharging to areas identified in the Broward County Resource Management Code, Article V, Section 27-200 (b) (1) o. Such monitoring will be under the cognizance of the EPGMD.

15. Upon completion of the construction of a surface water management system or phase thereof licensed by the EPGMD, it is a requirement of the issuance of the license, and hence transfer of operation and maintenance responsibility, that a Florida Registered Professional Engineer certify that the surface water management system was indeed constructed as licensed. Certified record drawings shall accompany the certification. Suggested wording for this is as follows:

I HEREBY CERTIFY TO THE CONSTRUCTION COMPLETION OF ALL THE COMPONENTS OF THE SURFACE WATER MANAGEMENT FACILITIES FOR THE ABOVE REFERENCES PROJECT AND THAT THEY HAVE BEEN CONSTRUCTED IN SUBSTANTIAL CONFORMANCE WITH THE PLANS AND SPECIFICATIONS APPROVED BY THE BROWARD COUNTY EPGMD, AND HEREBY AFFIX MY SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(SEAL)

16. Water management areas shall be legally reserved to the operation entity and for that purpose by dedication on the plat, deed restrictions, easements, etc., so that subsequent owners or others may not remove such areas from their intended use. Management areas, including maintenance easements, shall be connected to a public road or other location from which operation and maintenance access is legally and physically available.

17. The licensee shall notify the EPGMD in writing within twenty-four (24) hours of the start, finish, suspension, and/or abandonment of any construction or alteration of works authorized by this license.

18. A prorated share of surface water management retention/detention areas, sufficient to provide the required flood protection and water quality treatment, must be provided prior to occupancy of any building or residence.

19. The operation license shall be valid for a specific period of time not to exceed five (5) years from the date the license is transferred to the operation phase. The operation license shall be renewed in accordance with the Broward County Resource Management Code, Article V, Section 27 - 198 (d) (2).

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

21. This permit does not constitute the approval required by the Broward County Hazardous Material Code, Article XII, Section 27-353(i), to conduct dewatering operations at or within one-quarter mile radius of a contaminated site. Please contact the Environmental Assessment and Remediation Section at (954) 519-1478 for further information.

22. The licensee shall keep a log of the operation and maintenance schedule for all components of the surface water management system.

23. The surface water management system must be inspected by the EPGMD to verify compliance with Specific Condition No. 15 of the license. In accordance with the Broward County Natural Resource Protection Code, Article I, Sec. 27-66 (f), the County agency or municipal agency charged with issuing a certificate of occupancy (CO) shall not issue a CO until notified of the Broward County EPGMD approval. Partial certifications will be handled in accordance with Specific Condition No. 18.

24. The licensee is advised that he/she is required to submit a Storm Water Notice of Intent (NOI) application at least 48 hours prior to the commencement of construction to the Florida Department of Environmental Protection, NPDES Stormwater Notices Center, MS #3585 at 2600 Blair Stone Road - Tallahassee, Florida 32399-2400.

25. All commercial parcel(s) must provide one half (1/2) inch of dry pre-treatment prior to discharging into the wet detention areas of the master drainage system where applicable.

**AQUATIC AND WETLAND RESOURCE PROGRAM:**

**GENERAL CONDITIONS FROM BROWARD COUNTY AQUATIC AND WETLAND RESOURCE PROGRAM**

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 FROM BROWARD COUNTY AQUATIC AND WETLAND RESOURCE PROGRAM**

**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 will 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 manner at an upland location.
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].

**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 waterway.**
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 (Broward County Water Resources Division, 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 plans 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 C.2. has been approved a Time-Zero monitoring report may be submitted. The Time Zero report is required within 30 days of 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. 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 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.
11. 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.
12. Plant substitutions or planting plan alterations must be approved by the Department prior to installation.
13. The licensee shall provide any future purchaser(s) of this site with a copy of this license.
14. 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.
15. The Department must be notified of any change of consultant/contractor during the construction and mitigation monitoring phases of this project.
16. The licensee shall record a copy of this license with the property record within six months of the license/permit issue date. Evidence of the recordation shall be provided to the Department upon request. For more information on how to record a document, please contact the County Records Division at 954-831-4000.
17. 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, and for the construction of the wetland and buffer areas as indicated herein.

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

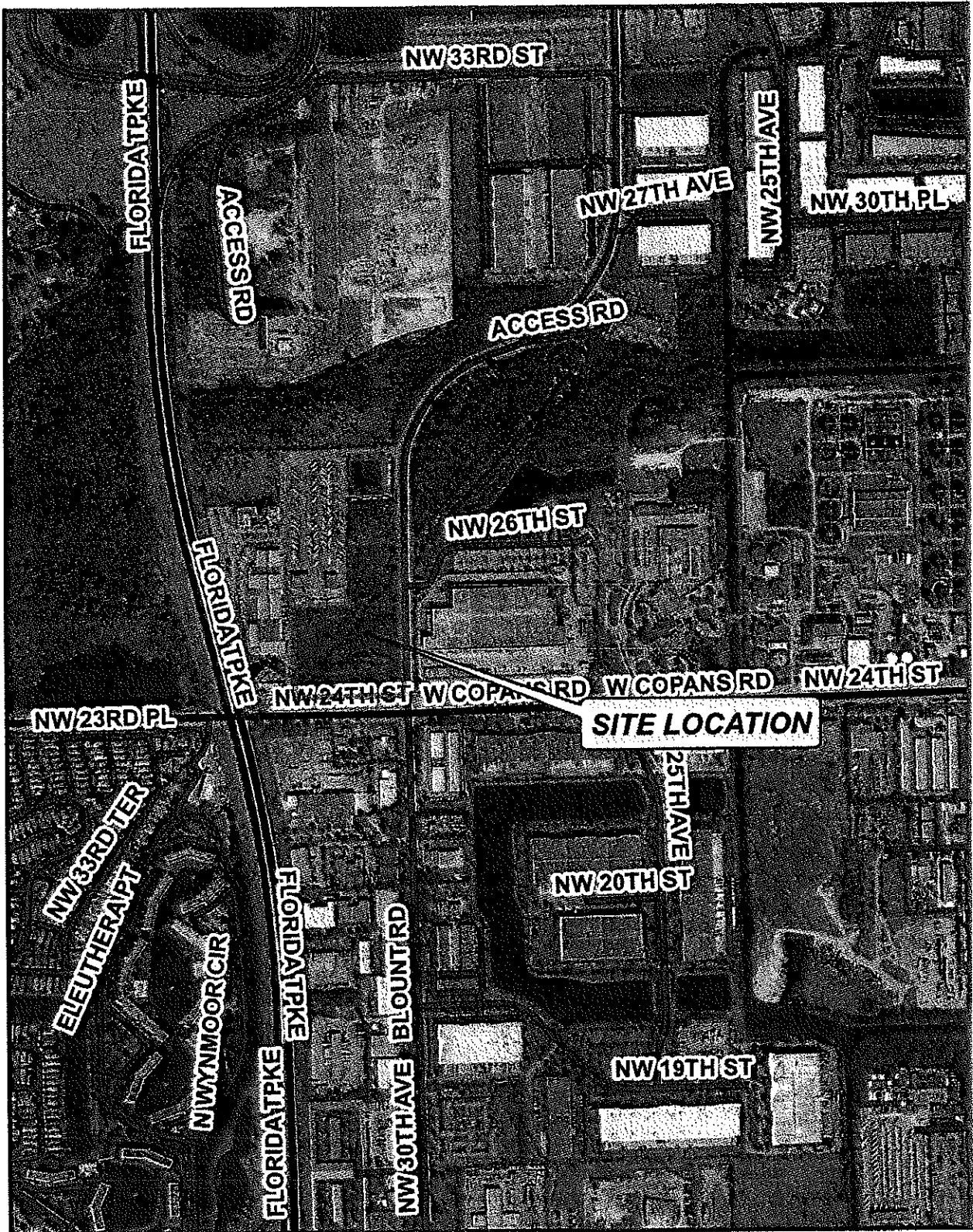
1. Off-site mitigation for the authorized wetland impacts shall be comprised of 1.71 freshwater herbaceous mitigation credits at the Plantation Preserve Golf Course from the City of Plantation pursuant to a modification of Environmental Resource License DF03-1253.
2. Pursuant to the "Agreement between the City of Plantation and Industrial Developments International for Mitigation at the Plantation Preserve Golf Course", the City of Plantation agrees to provide monitoring reports in accordance with the terms of the County Environmental Resource License DF03-1253 and its modifications; and comply with all terms and conditions of said license. In addition, the Agreement provides reasonable access to the preserve by Broward County staff for the purposes of ensuring compliance with Environmental Resource License DF03-1253.
3. The purchased mitigation credits at the Plantation Preserve Golf Course shall be the perpetual responsibility of the City of Plantation.

**E. CONSERVATION EASEMENT/FINANCIAL ASSURANCE**

1. 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.
2. The licensee has provided a Joint Letter of Credit to Broward County EPGMD and SFWMD 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 \$219,560.00. After the time zero event and upon EPGMD review and approval of all information required in Aquatic and Wetland Resource Program Specific Condition C.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 B.2 and B.3, and if necessary B.4., the licensee may request the release of the remaining financial assurance. All requests shall be made in writing to the Aquatic and Wetland Resource Program of the EPGMD. The Licensee is advised that 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.**

# LOCATION MAP



990 495 0 990 Feet



EXHIBIT - 1

**BROWARD**  
COUNTY  
FLORIDA

## STAFF REPORT

**Project Name:** Pompano Business Center, Phase II  
**Permit Number:** 06-05722-P **License Number:** SWM2009-007-2, DF16-1067  
**Application Number:** 160408-23 **Concurrent Application:** L2016-089  
**Application Type:** Environmental Resource Modification  
**Location:** Broward County **Section-Township-Range:** 21-48-42  
**Permittee's Name:** Industrial Developments International, LLC

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**Project Area:** 11.28 acres **Drainage Area:** 11.28 acres  
**Project Land Use:** Commercial  
**Drainage Basin:** C-14  
**Receiving Body:** On-site Retention

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### **Purpose:**

The construction and operation of a surface water management system to serve a proposed 11.28 acre commercial development.

### **Project Evaluation:**

#### **Project Site Description:**

The site is presently undeveloped and is located at the NW intersection of Blount Road and West Copans Road in City of Pompano Beach.

#### **Proposed Project Design:**

The proposed construction will include 3.32 acres of proposed building and 3.08 acres of pavement areas and the proposed drainage system. A system of inlets and culverts will direct the storm runoff to 325 LF of exfiltration trench (6' W x 3' H trench) and 0.54 acres of dry retention for water quality pre-treatment and storm runoff attenuation prior to discharging into the designated wetland area for the remaining water quality treatment.

The discharge into the wetland area will be directed through two control structures. The control structure for the exfiltration trench will have an inverted baffle with crest at elevation 11.00' NGVD, and the control structure for the dry retention areas will have a crest at elevation 11.0' NGVD.

The applicant's consultant has demonstrated through plans and calculations that the proposed project meets the requirements of the Code.

#### **Project Background:**

A modification was required due to a revised site design. This modification supersedes License No. SWM2009-007-0. The site has existing wetlands which required an ERL license from this Divisions Aquatic and Wetland Resources Licensing Section.

#### **Control Elevation:**

<u>Basin Name</u>	<u>Area</u>	<u>Ctrl Elevation</u>	<u>WSWT Ctrl Elev.</u>	<u>Method of Determination</u>
Pompano Business Center, 11.28 acres		9 ft, NGVD	9 ft, NGVD	BC Avg. Wet Season Water Table Map

**EXHIBIT - 2A**

**Discharge Rate:**

The perimeter of the project is designed to be at or above the 25-Year, 3-day design storm event stage of 13.75' NGVD.

<u>Frequency</u>	<u>Rainfall</u>	<u>Basin Name</u>	<u>Allowable Disch.</u>	<u>Method of Determination</u>	<u>Peak Disch.</u>	<u>Peak Stage</u>
25YR-3DAY	16 in.	Pompano Business Ce	0 cfs	C-14 Canal 69.2 CSM	0 cfs	13.65' NGVD

**Finished Floors:**

The finished floor elevations have been designed to be above the computed 100-yr, 3-day zero discharge stage and the Broward County 100-yr, 3-day flood map elevation.

<u>Frequency</u>	<u>Rainfall</u>	<u>Basin Name</u>	<u>Peak Stage</u>	<u>Prop. Min. Fin. Floors</u>	<u>BC 100-yr Map Elev.</u>
100YR-3DAY	20 inches	Pompano Business Center, Pt	14.28' NGVD	17' NGVD	14.5' NGVD

**Water Quality Design:**

Water quality pre-treatment will be provided in the exfiltration trenches and the dry retention areas prior to discharge to the designated wetland area for the remaining water quality treatment.

<u>Basin Name</u>	<u>Treatment Type</u>	<u>Treatment Method</u>	<u>Volume Required</u>	<u>Volume Provided</u>
Pompano Business Center, I	Pre Treatment	Exfiltration Trench	0.39 ac-ft	0.07 ac-ft
Pompano Business Center, I	Pre Treatment	Dry Retention	0.39 ac-ft	0.37 ac-ft
Pompano Business Center, I	Treatment	Wet Retention	0.99 ac-ft	2.74 ac-ft
			Total: 3.18 ac-ft	

**Environmental Summary:**

This project is the relicensing of expired license DF07-1232, which involves the construction of an 11.28 acre commercial development and associated surface water management system. Currently, the site contains 6.83 acres of uplands, 4.7 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 3.09 acres of existing 4.7-acre wetland area with approximately 19,940 cubic yards of fill; (2) creation of a 0.25-acre acres of wetlands from existing upland, and; (3) construction of two headwalls into the wetland mitigation area. This license does not authorize impacts to any other surface waters.

Unavoidable impacts to 3.09 acres of freshwater wetlands shall be offset through a combination of on-site mitigation, comprised of 0.25 acres of wetland creation and 1.61 acres of wetland restoration, as well as the purchase of 1.72 acres of mitigation credits at the Plantation Preserve Golf Course from the City of Plantation (DF03-1253 modification completed). The on-site mitigation area and buffer area total an area of 2.60 acres and are encumbered by a Joint Deed of Conservation easement to Broward County and the South Florida Water Management District (SFWMD), recorded in 2013 with CFN# 111546365 or Book 49810 Pages 149-205, referencing the previous license DF07-1232.

The proposed activities have been evaluated for potential secondary and cumulative impacts and to determine if the project is contrary to the public interest. Based upon the proposed project design, EPGMD has determined that the project will not cause adverse secondary or cumulative impacts to the water resources and is not contrary to the public interest.

**Special Concerns:**

**Operating Entity:** Industrial Developments International, LLC  
Attention: Mr. Scott Helms  
515 East Las Olas Boulevard  
Fort Lauderdale, FL 33301

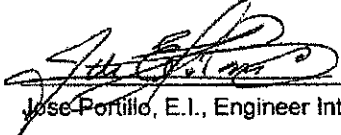
**Waste Water System/Supplier:** BCUD #4


**STAFF RECOMMENDATION:**

South Florida Water Management District and Broward County rules have been adhered to and an Individual Permit should be granted.


**06-05722-P; SWM2009-007-2; DF16-1067; STAFF REVIEW:**

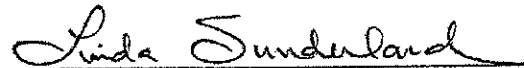
**Surface Water Management Program:**

  
\_\_\_\_\_  
Jose Portillo, E.I., Engineer Intern

  
\_\_\_\_\_  
Carlos Adoriso, P.E., Engineering Unit Supervisor

**Aquatic and Wetland Resources Program:**

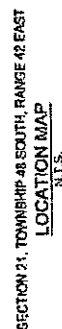
  
\_\_\_\_\_  
Michelle Decker

  
\_\_\_\_\_  
Linda Sunderland, Manager



## City of Pompano Beach, Broward County, FL

**ELECTRICAL ENGINEER:**  
OTTO ENGINEERING, INC.  
9385 N 56TH STREET SUITE 200  
TEMPLE TERRACE, FL 33617  
(813) 985-8555  
(813) 985-4555 (FAX)  
EMAIL: [waltsp@ottoengineering.com](mailto:waltsp@ottoengineering.com)



SHEET NO.	TITLE
C51	COVER SHEET
P51	PAVING, GRADING AND DRAINAGE PLAN
P05-710	PAVING AND DRAINAGE DETAILS
W01	WATER AND SEWER PLAN
W52 - W55	WATER AND SEWER DETAILS
S51	SEWERY STATION PROFILES
C51	GRINDER STATION PLAN
P51	PUBLIC SAFETY PLAN
F71	FIRE PROTECTION PLAN
SWPP - SWP2	STORMWATER POLLUTION PREVENTION PLAN & DETAILS

NOTE: ALL ELEVATIONS IN SURV. 1929 CORRESPOND FROM N.G.V.D. TO PLAYS. (H.G.V.D. -15' ON 1500 N.G.V.D. = 1347 N.V.D.)

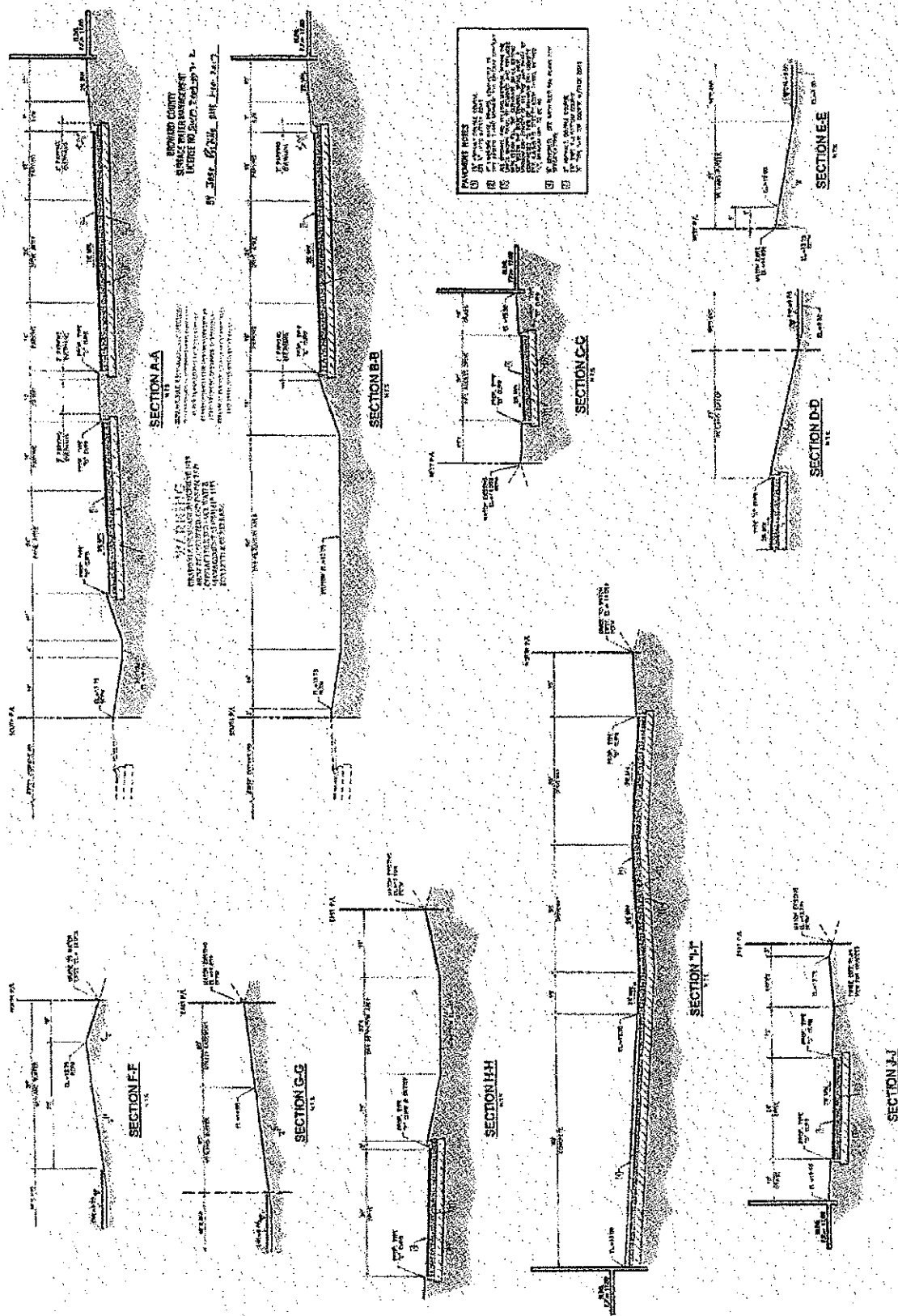
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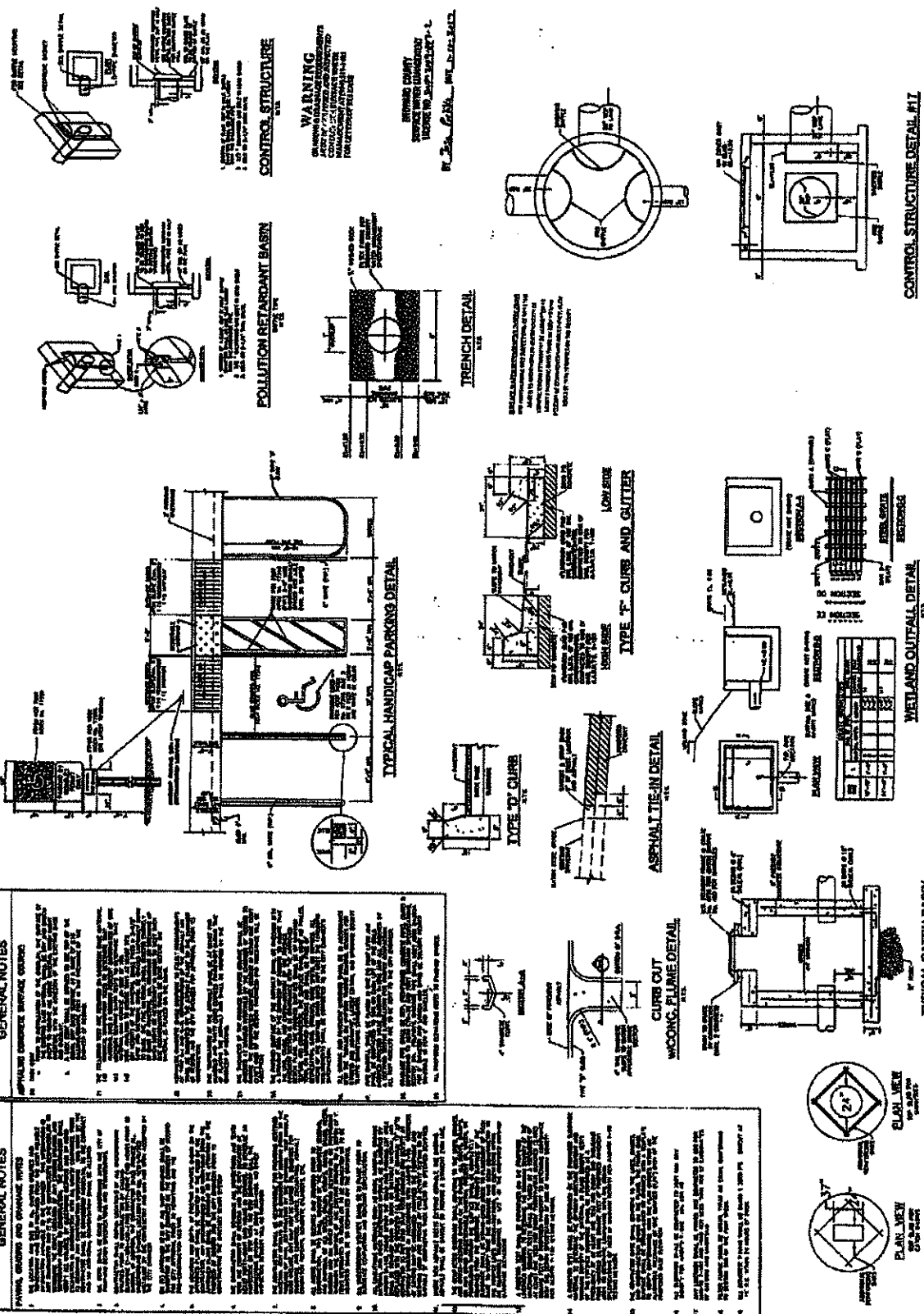
**TECH**  
Sun-Tech Engineering, Inc.  
Explosion - Pressure - Seismicity  
1800 West Oakland Park Boulevard  
St. Louis, MO 63111  
www.suntecheng.com  
Telephone: 636-6789  
Toll-free: 800-772-3153  
Fax: 636-777-3114

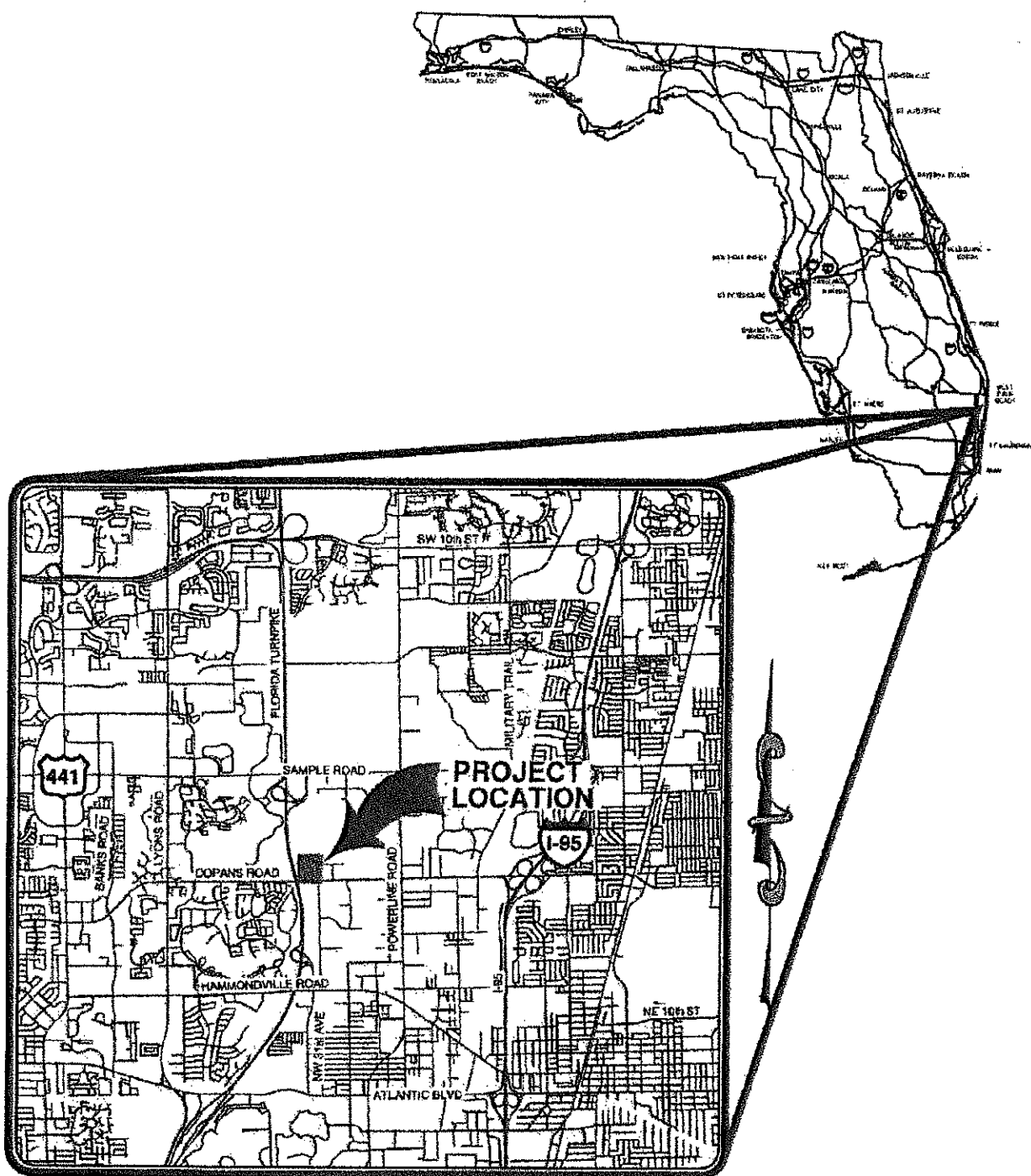
**Sunshine811.com**

PROJECT NO 15-3735  
DESIGN DATE- NOV. 2015









### PROJECT LOCATION MAP

**MILLER LEGG**

[illegible]

**IDI POMPANO BUSINESS CENTER PHASE II**




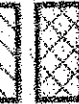
CITY OF POMPANO BEACH, FLORIDA

FOR: INDUSTRIAL DEVELOPMENTS INTERNATIONAL, INC.





LEGEND:

-  - PROJECT BOUNDARY (±11.6 ac.)
-  - 619 (EXOTIC WETLAND HARDWOOD)
-  - 422 (BRAZILIAN PEPPER/WILLOW)
-  - 191 (UNDEVELOPED URBAN LAND)



GRAPHIC SCALE



( IN FEET )  
1 INCH = 300 FEET

SECTION 21  
TOWNSHIP 48  
RANGE 42

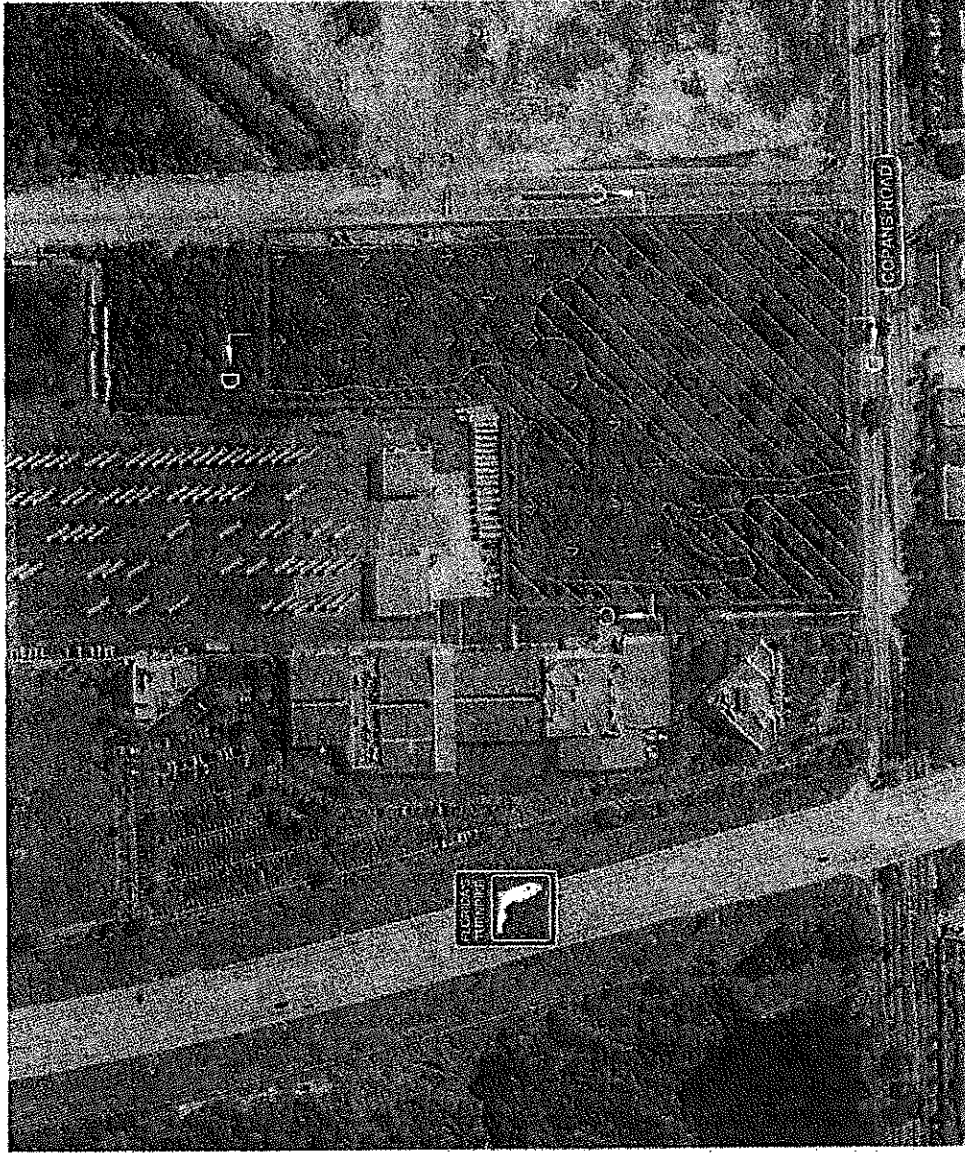
FLUCCS MAP

**IDI POMPANO BUSINESS CENTER PHASE II**  
CITY OF POMPANO BEACH, FLORIDA  
FOR: INDUSTRIAL DEVELOPMENTS INTERNATIONAL, INC.

**MILLER LEGG**  
South Florida Office: 1601 North Douglas Street, Suite 330  
Pompano Beach, Florida 33062  
954-438-2700 Fax: 954-438-2701  
www.millerlegg.com

06-00061  
PI-1





LEGEND:

— PROJECT BOUNDARY (±11.6 ac.)

— WETLANDS (±4.7 ac.)

— UPLANDS (±6.9 ac.)

SECTION 21  
TOWNSHIP 48  
RANGE 42

# IDI POMPANO BUSINESS CENTER PHASE II

CITY OF POMPANO BEACH, FLORIDA  
FOR: INDUSTRIAL DEVELOPMENTS INTERNATIONAL, INC.

EXISTING CONDITIONS PLAN







**MILLER LEGG**  
 Survey Florida Office: 1800 North Douglas Road, Suite 200  
 Pompano Beach, Florida 33061-4320  
 954-439-1000 / Fax: 954-439-5554  
 www.millerlegg.com

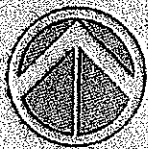
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ECM-1



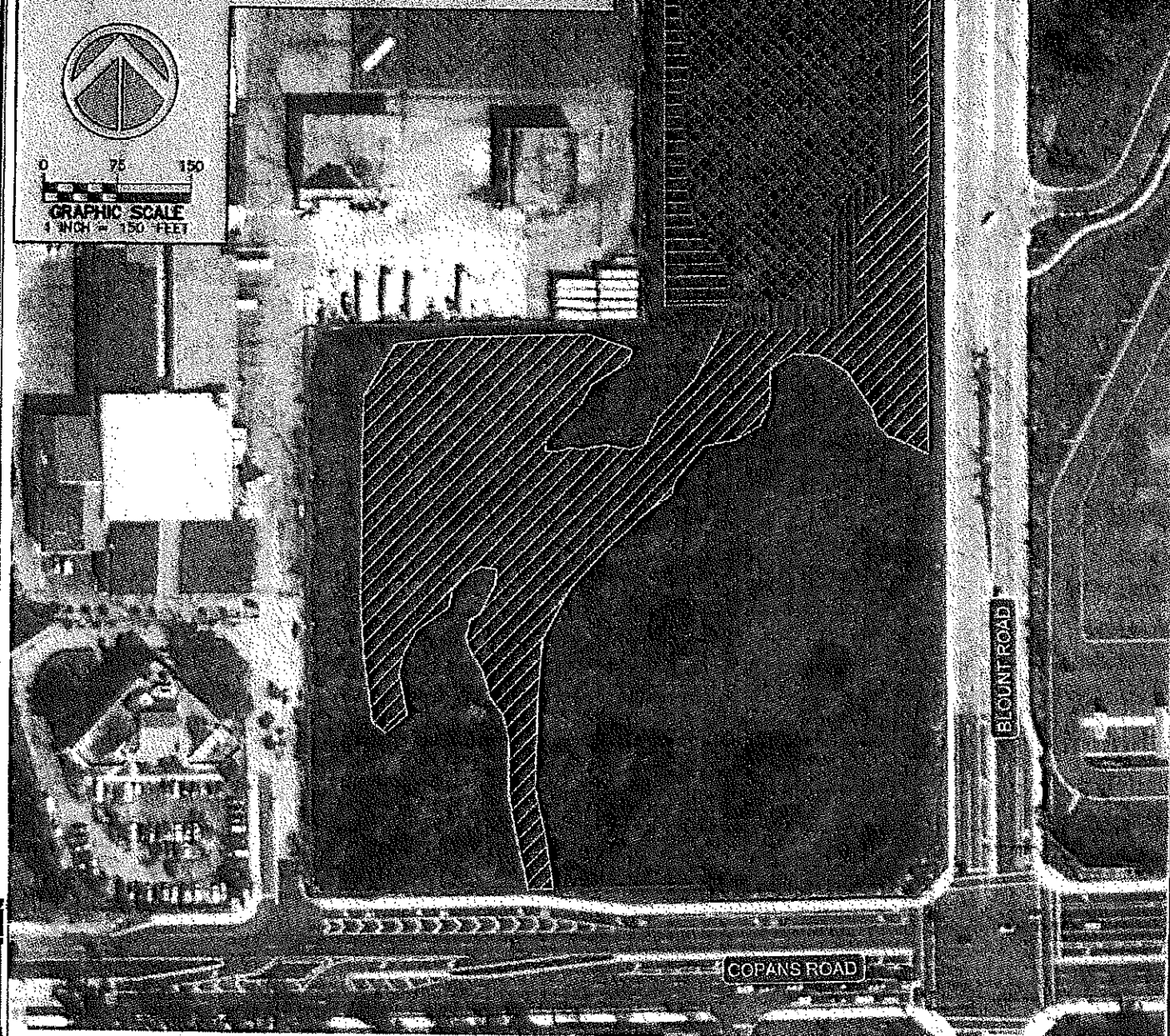


# LEGEND

-  - SITE BOUNDARY - ±11.53 ac.
-  - WETLANDS FILL IMPACTS (Development) - ±2.64 ac.
-  - WETLAND FILL IMPACTS (Mitigation Buffer) - ±0.45 ac.
-  - WETLANDS RESTORATION - ±1.61 ac.
-  - WETLANDS CREATION - ±0.25 ac.
-  - UPLAND BUFFER (No Wetlands Impacts) - ±0.30 ac.



0 75 150  
 GRAPHIC SCALE  
 1 INCH = 150 FEET



SECTION 21  
 TOWNSHIP 48  
 RANGE 42

## WETLAND IMPACT PLAN

19000-000  
 1-1

**MILLER LEGG**  
 1601 West 13th Street, Suite 100  
 Pompano Beach, Florida 33062-2001  
 Phone: 954-781-1100  
 Fax: 954-781-1101  
 www.millerlegg.com

**IDI POMPAÑO BUSINESS CENTER PHASE II**  
 CITY OF POMPAÑO BEACH, FLORIDA  
 FOR: INDUSTRIAL DEVELOPMENTS INTERNATIONAL, INC.






1. HABITAT ZONE DISTANCES  
MAY VARY

Conversion factor is NGVD (-)1.58' to get to NAVD

4/3/09  
PROPOSED CONDITIONS CROSS SECTIONS

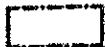
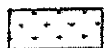



**IDI POMPAÑO BUSINESS CENTER PHASE II**  
CITY OF POMPAÑO BEACH, FLORIDA  
FOR: INDUSTRIAL DEVELOPMENTS INTERNATIONAL, INC.





**MILLER LEGG**

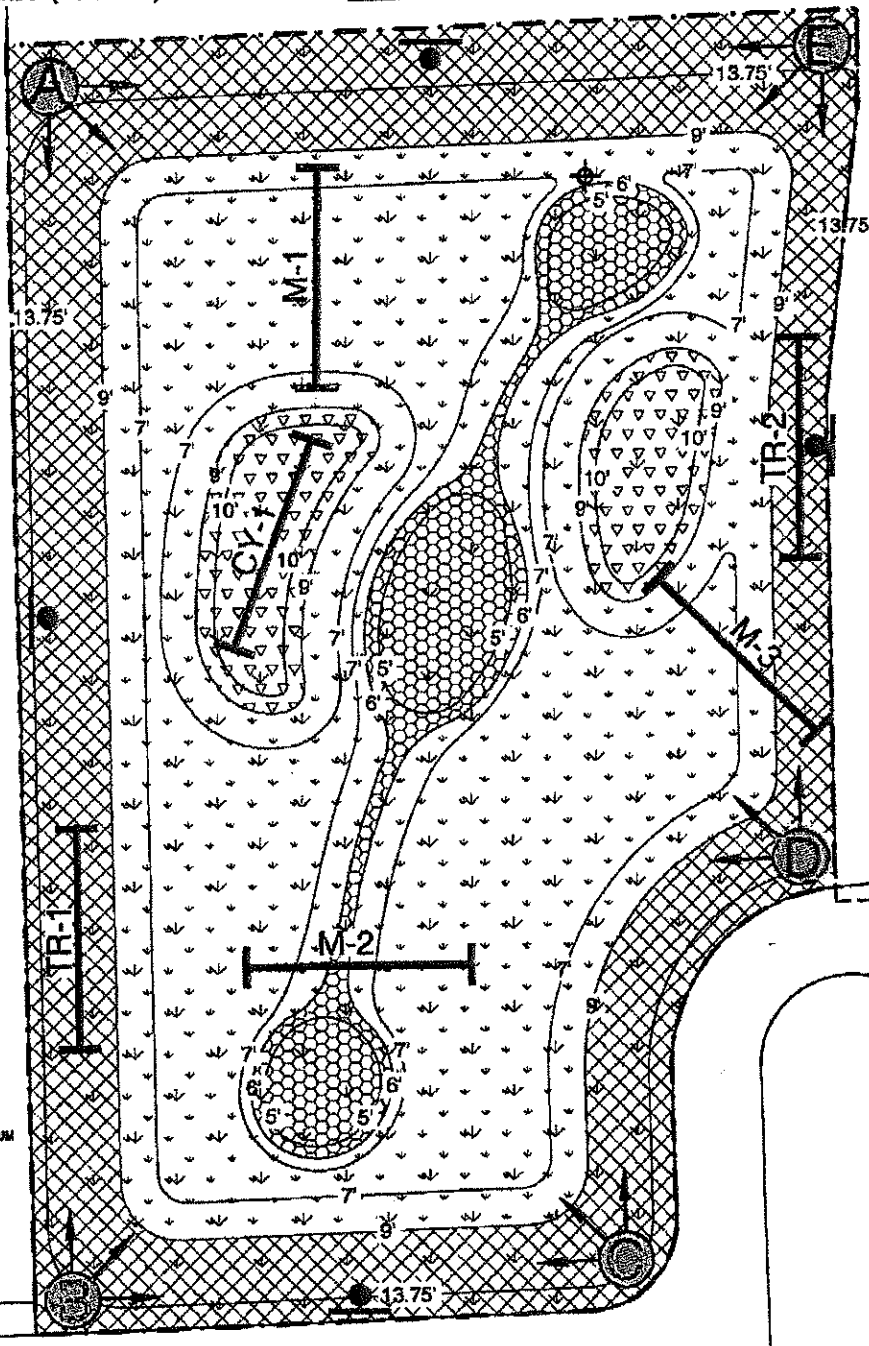
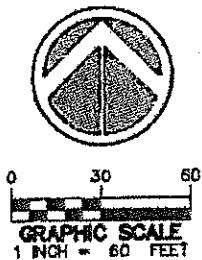
Boards Florida Office: 1920 North Douglas Road • Suite 200  
Pembroke Pines, Florida • 33024-3200  
954-436-7000 • Fax: 954-432-6664  
[www.mfrdfla.com](http://www.mfrdfla.com)

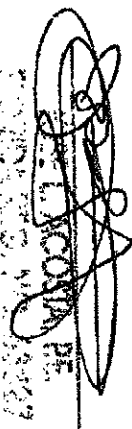
**OFFICE: 609-221-6000 • FAX: 609-221-6001**  
**WWW.IDEVELOPMENTS.COM**

**LEGEND:**

-  - TOTAL MITIGATION AREA ( $\pm 2.60$  ac.)
-  - MARSH ( $\pm 1.50$  ac.)
-  - TRANSITIONAL BUFFER ( $\pm 0.75$  ac.)
-  - OPEN WATER ( $\pm 0.19$  ac.)
-  - CYPRESS ISLANDS ( $\pm 0.16$  ac.)

-  - VEGETATIVE SAMPLING TRANSECT
-  - PHOTO STATION
-  - STAFF GAUGE
-  - MITIGATION BOUNDARY SIGN



4/3/08  




MITIGATION SIGN DETAIL

TEXT:  
 FONT: ARIAL  
 HEIGHT: 1" MIN.  
 COLOR: BLACK  
 FACE:  
 COLOR: WHITE  
 BORDER:  
 WIDTH: 1/4"  
 COLOR: BLACK  
 MATERIAL: ALUMINUM

**MITIGATION / MONITORING PLAN**

DATE	10/23/07
BY	GDI/ERO
PROJECT	19000-00
DATE	10/23/07

**MILLER LEGG**  
 1800 PINE CREEK BLVD. SUITE 100  
 POMPANO BEACH, FL 33069  
 954-781-1111 FAX 954-781-1112  
 WWW.MILLERLEGG.COM

**IDI POMPAÑO BUSINESS CENTER PHASE II**  
 CITY OF POMPAÑO BEACH, FLORIDA  
 FOR: INDUSTRIAL DEVELOPMENTS INTERNATIONAL, INC.

DATE	10/23/07
BY	GDI/ERO
PROJECT	19000-00
DATE	10/23/07



## MITIGATION PROGRAM

## I. MITIGATION PLAN

- A. A MITIGATION PLAN IS ENCLOSED THAT SHOWS THE MITIGATION AREA AND CROSS-SECTIONS.  
 B. VEGETATION TRANSECTS, LOCATION OF THE STAFF GAUGE, AND PHOTO STATIONS ARE SHOWN ON THE PLANS.

## II. GOALS

- A. ESTABLISH AND ENHANCE A LARGE, UNIFIED MITIGATION AREA THAT IS A FUNCTIONAL AND DIVERSE WETLAND SYSTEM OF HIGH QUALITY THAT CAN BE USED BY BIRDS, FISH, AMPHIBIANS, REPTILES, AND MAMMALS.  
 B. REMOVE EXOTIC AND INVASIVE SPECIES AND RECRUIT DESIRABLE FLORA TO PROVIDE VALUABLE HABITAT FOR WILDLIFE.  
 C. TO PROVIDE BETTER HYDROLOGY THAN CURRENTLY EXISTS THROUGH WATER CONTROL STRUCTURES AND ELEVATIONS, WHICH WILL ENHANCE WATER QUALITY, STORAGE AND RECHARGE FUNCTIONS. TO INCLUDE A MAJORITY OF THE MITIGATION AREA AT OR BELOW THE AVERAGE WATER TABLE ELEVATION OF 9.0 FEET NGVD.  
 D. TO ATTAIN A MINIMUM OF 80% SURVIVORSHIP OF PLANTED SPECIES, AND 80% OF COVERAGE DESIRABLE OBLIGATE AND FACULTATIVE WETLAND SPECIES.  
 E. TO ATTAIN A FUNCTIONAL MITIGATION SYSTEM THAT IS A FUNCTIONAL WETLAND BENEFITTING BOTH THE WILDLIFE AND THE SURROUNDING COMMUNITY.

## III. PLANTING SCHEDULE

## A. MARSH 1.50 acres (6.0' NGVD - 9.0' NGVD)

SYM	QUANTITY	SPECIES	SPACING	SIZE	ELEV. (FT. NGVD)
CA	585 ±5%	<i>Crinum americanum</i> (Swamp Lily)	3' O.C.	BARE ROOT	8.0 - 9.0
CF	585 ±5%	<i>Canna flaccida</i> (Yellow Canna)	3' O.C.	BARE ROOT	8.0 - 9.0
EI	585 ±5%	<i>Eleocharis interstincta</i> (Jointed spikerush)	3' O.C.	BARE ROOT	7.0 - 8.0
EC	740 ±5%	<i>Eleocharis cellulosa</i> (Spikerush)	3' O.C.	BARE ROOT	7.0
JE	585 ±5%	<i>Juncus effusus</i> (Juncus rush)	3' O.C.	BARE ROOT	7.0 - 8.0
NO	300 ±5%	<i>Nymphaea odorata</i> (Fragrant water lily)	3' O.C.	BARE ROOT	6.0 - 7.0
PC	740 ±5%	<i>Pontedaria cordata</i> (Pickersweed)	3' O.C.	BARE ROOT	7.0
SC	300 ±5%	<i>Scirpus californicus</i> (Bulrush)	3' O.C.	BARE ROOT	6.0 - 7.0
SL	740 ±5%	<i>Sagittaria lancifolia</i> (Duck potato)	3' O.C.	BARE ROOT	7.0
SL(1)	740 ±5%	<i>Sagittaria latifolia</i> (Arrowhead)	3' O.C.	BARE ROOT	7.0
SV	740 ±5%	<i>Scirpus validus</i> (Soft stem bulrush)	3' O.C.	BARE ROOT	7.0
TG	740 ±5%	<i>Thalia geniculata</i> (Fireflag)	3' O.C.	BARE ROOT	7.0

6,870 ±5%

TOTAL

## B. CYPRESS ISLANDS 0.16 acres (9.0' NGVD-10.0' N.G.V.D.)

SYM	QUANTITY	SPECIES	SPACING	SIZE	ELEV. (FT. NGVD)
CA	100 ±5%	<i>Crinum americanum</i> (Swamp lily)	3' O.C.	BARE ROOT	9.0 - 10.0
CF	100 ±5%	<i>Canna flaccida</i> (Yellow canna)	3' O.C.	BARE ROOT	9.0 - 10.0
IR	100 ±5%	<i>Iris virginica</i> (Blue flag iris)	3' O.C.	BARE ROOT	9.0 - 10.0
	300 ±5%	TOTAL			
	90 ±5%	<i>Acrostichum danaeifolium</i> (Leather fern)	5' O.C.	3 GAL.	10.0'
	90 ±5%	<i>Tripsacum dactyloides</i> (Fakahatchee grass)	5' O.C.	3 GAL.	10.0'
	180 ±5%	TOTAL			
	20 ±5%	<i>Taxodium distichum</i> (Bald cypress)	10' O.C.	3 GAL.	10.0'
	25 ±5%	<i>Taxodium distichum</i> (Bald cypress)	10' O.C.	7 GAL.	10.0'
	45 ±5%	TOTAL			

MITIGATION PROGRAM

**MILLER LEGG**  
 1400 North 10th Street, Suite 100, Fort Lauderdale, FL 33304  
 Phone: 754-455-1234 Fax: 754-455-1234  
 Email: mlegg@mllegg.com

**IDI POMPANO BUSINESS CENTER PHASE II**  
 CITY OF POMPANO BEACH, FLORIDA  
 FOR: INDUSTRIAL DEVELOPMENTS INTERNATIONAL, INC.

### III. PLANTING SCHEDULE (CONTINUED)

#### C. TRANSITIONAL BUFFER 0.75 acres (9.0' NGVD - 13.0' NGVD)

SYM	QUANTITY	SPECIES	SPACING	SIZE	ELEV. (FT. NGVD)
AG	45 ±5%	<i>Annona glabra</i> (Pond apple)	10' O.C.	7 GAL.	9.0 - 10.0'
BS	45 ±5%	<i>Bursera simaruba</i> (Gumbo limbo)	10' O.C.	7 GAL.	12.0 - 13.0'
IC	45 ±5%	<i>Ilex cassine</i> (Dahoon holly)	10' O.C.	7 GAL.	9.0 - 10.0'
PE	45 ±5%	<i>Pinus elliotii</i> (Slash pine)	10' O.C.	7 GAL.	11.0 - 12.0'
QV	45 ±5%	<i>Quercus virginiana</i> (Live oak)	10' O.C.	7 GAL.	12.0 - 13.0'
QV1	30 ±5%	<i>Quercus laurifolia</i> (Laurel oak)	10' O.C.	7 GAL.	10.0 - 11.0'
MV	30 ±5%	<i>Magnolia virginiana</i> (Sweet bay)	10' O.C.	7 GAL.	10.0 - 11.0'
SM	45 ±5%	<i>Swietenia mahagoni</i> (Mahogany)	10' O.C.	7 GAL.	11.0 - 12.0'
SP	30 ±5%	<i>Sabal palmetto</i> (Cabbage palm)	10' O.C.	8' C.T.	10.0 - 11.0'
360 ±5%		TOTAL			
AD	150 ±5%	<i>Achrostichum daneaeifolium</i> (Leather fern)	5' O.C.	3 GAL.	9.0 - 10.0'
CI	150 ±5%	<i>Chrysobalanus icaco</i> (Cocoplum)	5' O.C.	3 GAL.	9.0 - 11.0'
CO	150 ±5%	<i>Cephalanthus occidentalis</i> (Buttonbush)	5' O.C.	3 GAL.	11.0 - 13.0'
EA	150 ±5%	<i>Eugenia axillaris</i> (White stopper)	5' O.C.	3 GAL.	11.0 - 13.0'
MC	150 ±5%	<i>Myrica cerifera</i> (Wax myrtle)	5' O.C.	3 GAL.	9.0 - 11.0'
HPC	150 ±5%	<i>Hamelia patens</i> (Firebush)	5' O.C.	3 GAL.	11.0 - 13.0'
EF	150 ±5%	<i>Eugenia foetida</i> (Spanish stopper)	5' O.C.	3 GAL.	11.0 - 13.0'
PL	150 ±5%	<i>Psychotria nervosa</i> (Wild coffee)	5' O.C.	3 GAL.	9.0 - 11.0'
SB	150 ±5%	<i>Spartina bakeri</i> (Sand cordgrass)	5' O.C.	3 GAL.	11.0 - 13.0'
SR	150 ±5%	<i>Tripsacum dactyloides</i> (Fakahatchee grass)	5' O.C.	3 GAL.	9.0 - 11.0'
1,500 ±5%		TOTAL			

- D. THE ABOVE LIST IS NOT COMPREHENSIVE OF THE SPECIES THAT ARE ACCEPTABLE TO THE AGENCIES AND THAT MAY DOMINATE THE PROPOSED WETLAND COMMUNITIES OVER TIME. BECAUSE THIS IS A DYNAMIC SYSTEM THAT IS CONSTANTLY CHANGING, IT IS ACKNOWLEDGED THAT OTHER DESIRABLE OBLIGATE AND FACULTATIVE WETLAND SPECIES MAY BE PRESENT AND/OR SUBSTITUTED WITH PRIOR WRITTEN NOTIFICATION.
- E. ALL PLANT MATERIAL SHALL BE INSTALLED ON-SITE IN ACCORDANCE WITH SOUND HORTICULTURAL PROCEDURES AS SET FORTH BY THE AMERICAN SOCIETY OF LANDSCAPE ARCHITECTS.
- F. PLANTING DENSITY MAY INCREASE IF NATURAL RECRUITMENT OF ECCEPTABLE NATIVE VEGETATION IS SUCCESSFUL.
- G. ALL PLANT MATERIAL WILL BE FLORIDA NO. 1 OR BETTER.
- H. A PLANTING CONTRACTOR HAS NOT YET BEEN SELECTED. LOCATING THE APPROPRIATE PLANTS WILL BE THE CONTRACTOR'S RESPONSIBILITY.
- I. ON-SITE MUCK WILL BE USED IN THE MITIGATION AREAS.
- J. ALL TREE AND SHRUB SPECIES SHALL HAVE A MINIMUM HEIGHT OF 1.5 FT. AT INSTALLATION.
- K. PLANT SPECIES SHALL BE INSTALLED IN A RANDOM FASHION.
- L. UPLAND BUFFER SHALL BE COVERED WITH A 4" MINIMUM DEPTH OF MULCH FOR NUISANCE SPECIES CONTROL. MULCH SHALL NOT INCLUDE SEED-BEARING COMPONENTS OF INVASIVE AND/OR NOXIOUS SPECIES.
- M. CONTRACTOR IS RESPONSIBLE FOR REMOVAL OF WEEDS, EXOTIC/NUISANCE, INVASIVE AND UDESIRABLE VEGETATION PRIOR TO PLANT INSTALLATION ACCEPTANCE, AND MONTHLY AFTER THE BEGINNING OF THE ESTABLISHMENT PERIOD UNTIL FINAL ACCEPTANCE BY THE OWNER.
- N. ALL PLANT MATERIAL SHALL BE OBTAINED FROM NURSERIES SOUTH OF LAKE OKEECHOBEE.

#### MITIGATION PROGRAM

			<b>IDI POMPAÑO BUSINESS CENTER PHASE II</b>		
			CITY OF POMPAÑO BEACH, FLORIDA FOR: INDUSTRIAL DEVELOPMENTS INTERNATIONAL, INC.		

#### IV. MONITORING PLAN

- A. MITIGATION SUCCESS WILL BE ASSESSED THROUGH MONITORING REPORTS. A TIME--ZERO OR BASELINE REPORT WILL BE CONDUCTED WITH CONSECUTIVE REPORTS FOLLOWING ON A REGULAR BASIS. EACH REPORT WILL INCLUDE:
1. A SUMMARY OF VISUAL FIELD OBSERVATIONS, WHICH INCLUDES THE NUMBER AND/OR PERCENT COVER OF PLANT SPECIES.
  2. COMMENTS AND/OR RECOMMENDATIONS FOR PERMIT COMPLIANCE.
  3. A PHOTOGRAPHIC RECORD.
  4. A HYDROGRAPH BASED ON THE STAFF GAUGE WATER LEVEL READINGS, WITH DATA BEING RECORDED ON A MINIMUM BI-WEEKLY BASIS.
  5. OBSERVATIONS OF FISH/WILDLIFE AND SAMPLING FOR AQUATIC MACROFAUNA.
  6. EVALUATION OF THE SUCCESS OF THE MITIGATION/MAINTENANCE EFFORT.
- B. AGENCIES TO RECEIVE AND REVIEW REPORTS INCLUDE:
1. BROWARD COUNTY ENVIRONMENTAL PROTECTION DEPARTMENT (TIME--ZERO REPORT AND QUARTERLY MONITORING REPORTS FOR FIVE YEARS) (TOTAL OF 21 REPORTS).
  2. SOUTH FLORIDA WATER MANAGEMENT DISTRICT (SFWMD) (TIME ZERO REPORT AND ANNUAL MONITORING REPORTS FOR FIVE YEARS).

#### V. MAINTENANCE PLAN

- A. MAINTENANCE SHALL BE PERFORMED QUARTERLY FOR A PERIOD OF FIVE YEARS. THIS WILL PROVIDE A GUARANTEED SURVIVAL RATE OF 80% FOR THE PLANTED SPECIES IN THE UPLAND AREAS AND 80% COVERAGE OF DESIRABLE OBLIGATED AND FACULTATIVE WETLAND SPECIES IN THE AQUATIC AND MARSH AREAS WITHIN THE FIRST TWO YEARS. REPLANTING WILL BE PERFORMED IF NECESSARY TO MEET PERMIT REQUIREMENTS.

PERMITEE WILL BE RESPONSIBLE FOR THE REMOVAL OF EXOTIC AND NUISANCE VEGETATION AND DEBRIS FROM THE MITIGATION AREA FOR THE LENGTH OF THE MONITORING PERIOD. EXOTIC VEGETATION SHALL INCLUDE SUCH SPECIES CURRENTLY LISTED BY THE FLORIDA EXOTIC PEST PLANT COUNCIL. NUISANCE VEGETATION CAN INCLUDE SUCH SPECIES AS PRIMROSE WILLOW, TORPEDO GRASS, AND CATTAIL. MITIGATION AREAS SHALL BE FREE FROM EXOTIC/NUISANCE VEGETATION IMMEDIATELY FOLLOWING A MAINTENANCE ACTIVITY. TOTAL COVERAGE OF EXOTIC AND NUISANCE SPECIES SHALL NOT EXCEED 2% BETWEEN MAINTENANCE ACTIVITIES.

MAINTENANCE WILL BE CONDUCTED QUARTERLY AND WILL USE APPROPRIATE METHODS OF CONTROL WHICH INCLUDE BUT ARE NOT LIMITED TO CUTTING, MOWING, CHEMICAL TREATMENT, HAND REMOVAL, OR ANY COMBINATION THEREOF.

*[Handwritten signature]*  
L. ACOSTA RE  
4/3/10

MITIGATION PROGRAM

10/02/08 MP-06-00061 1900619	<b>MILLER LEGG</b> South Florida Office: 1800 North Douglas Road, Suite 100 Pompano Beach, Florida 33064-3801 TEL: 407-720-1100 Fax: 407-720-1101 www.millerlegg.com	<b>IDI POMPAÑO BUSINESS CENTER PHASE II</b> CITY OF POMPAÑO BEACH, FLORIDA FOR: INDUSTRIAL DEVELOPMENTS INTERNATIONAL, INC.	REVISIONS
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## VI. MITIGATION PROGRAM DETAILS

### PLANTING VARIATIONS

INSTALLATION PER THE PLANTING SCHEDULE IS ANTICIPATED TO BE IN GROUPINGS OR CLUSTERS WITHIN THE MITIGATION AREA. FIELD LOCATION OF THE APPROPRIATE NUMBERS AND SPECIES OF PLANTS WILL BE NECESSARY IN ORDER TO MAXIMIZE THE AESTHETIC VIEWS AND HABITAT DIVERSITY WITHIN THE MITIGATION AREA. THE PLANTING SCHEDULE MAY VARY UP TO 5% PER SPECIES AS NECESSARY TO ACCOUNT FOR MARKET AVAILABILITY, FIELD CONDITIONS AND OTHER FACTORS.

### HYDROLOGY

THE DESIGN CONTROL WATER ELEVATION OF THE SITE IS 9.0 FEET N.G.V.D. IT IS ANTICIPATED AND DESIRED THAT PORTIONS OF THE MARSH (IE., SHALLOW EDGES, CYPRESS ISLANDS) EXPERIENCE VARYING SEASONAL HYDROLOGIC FLUCTUATIONS. THE DESIGN EMULATES TYPICAL EVERGLADES HYDROLOGIC CONDITIONS BETWEEN THE WET AND DRY SEASONS. PLANTING SCHEDULE AND ELEVATIONS HAVE BEEN DESIGNED ACCORDINGLY FOR THIS HYDROLOGIC REGIME.

## VII. ESTIMATED CONSTRUCTION SCHEDULE

### ACTIVITY

### ESTIMATED DATES

BEGIN EARTHWORK AND PLANTING	DECEMBER 2017
COMPLETE EARTHWORK AND PLANTING	MAY 2018
SUBMIT TIME ZERO MONITORING REPORT	JUNE 2018
SUBMIT 1ST ANNUAL MONITORING REPORT	JUNE 2019
SUBMIT 2ND ANNUAL MONITORING REPORT	JUNE 2020
SUBMIT 3RD ANNUAL MONITORING REPORT	JUNE 2021
SUBMIT 4TH ANNUAL MONITORING REPORT	JUNE 2022
SUBMIT 5TH ANNUAL MONITORING REPORT	JUNE 2023

MITIGATION PROGRAM

*[Handwritten signature]*  
4/3/08

06-00061	1/28/08
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**MILLER LEGG**  
Civil/Florida Office: 1000 North Douglas Road - Suite 200  
Pompano Beach, Florida 33062-4000  
Tel: 954-781-1100 Fax: 954-781-1101  
www.millerlegg.com

**IDI POMPAÑO BUSINESS CENTER PHASE II**  
CITY OF POMPAÑO BEACH, FLORIDA  
FOR: INDUSTRIAL DEVELOPMENTS INTERNATIONAL, INC.

NO.	REVISIONS

**STAFF REPORT DISTRIBUTION LIST  
ADDRESSES**

**Owner:**

Industrial Developments International, LLC  
Attention: Mr. Scott Helms  
515 East Las Olas Boulevard  
Fort Lauderdale, FL 33301

**Applicant:**

Industrial Developments International, LLC  
Attention: Mr. Scott Helms  
515 East Las Olas Boulevard  
Fort Lauderdale, FL 33301

**Engineering**

**Consultant:**

Sun-Tech Engineering, Inc  
Attention: Aldo E. Mejias, P.E.  
1600 West Oakland Park Blvd., Suite 200  
Fort lauderdale, FL 33311

**Environmental**

**Consultant:**

Sun-Tech Engineering, Inc  
Attention: Dylan Larson  
5747 N Andrews Way  
Fort lauderdale, FL 33309

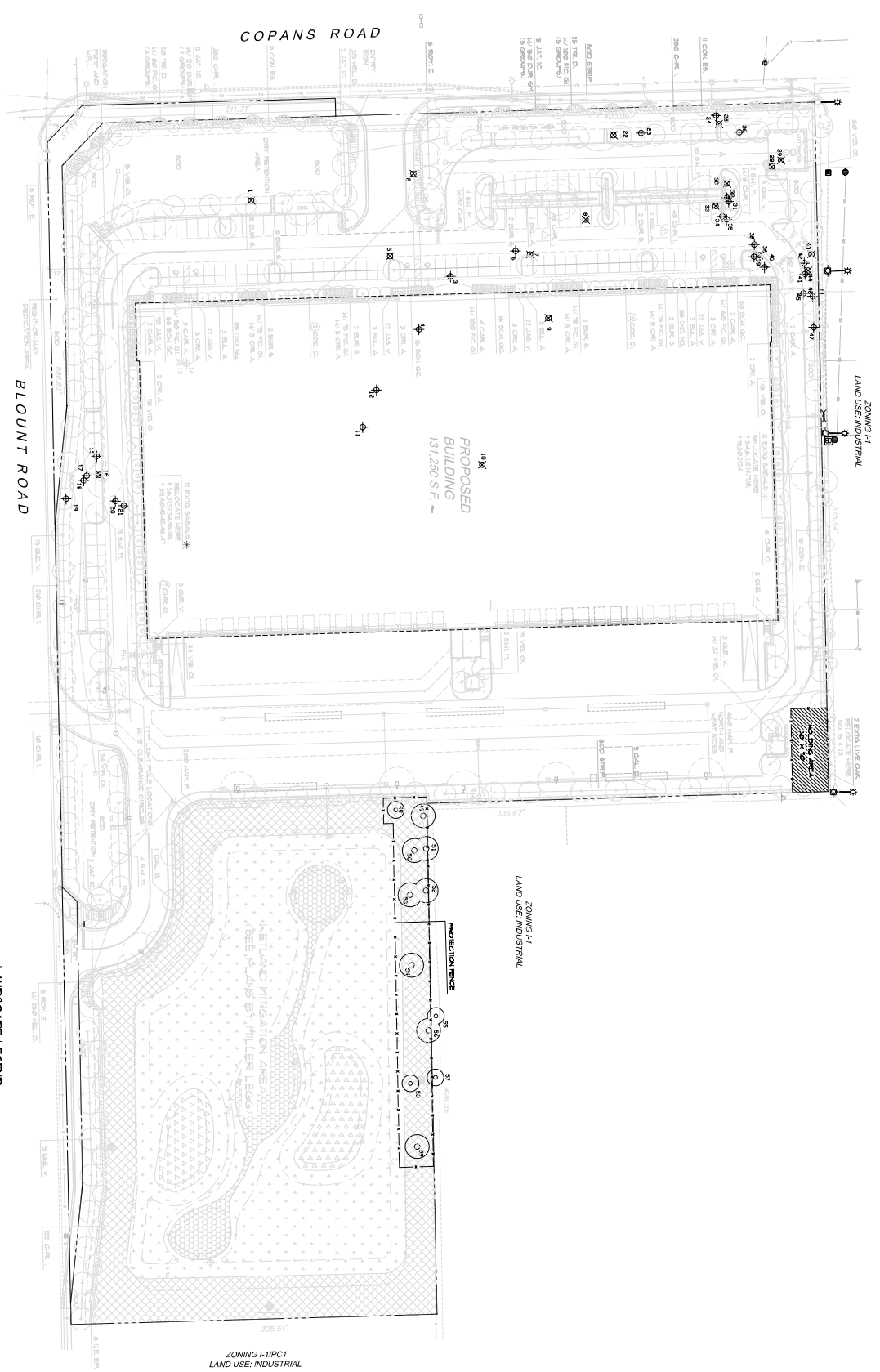
**Other:**

City of Pompano Beach Building Official  
Army Corps of Engineers

**EXHIBIT D**

SITE RESTORATION PLAN

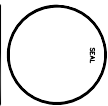
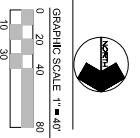
[SEE ATTACHED]



**Bruce E. Cummings**  
Digitally signed by Bruce E. Cummings  
DN: cn=Bruce E. Cummings, o=Bruce E.  
Cummings P.A., ou  
Date: 2017.07.21 11:55:23 -0400

**SITE RESTORATION PLAN**

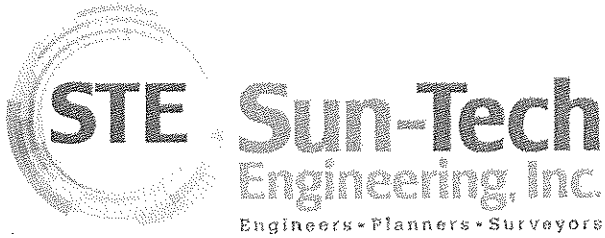
- LANDSCAPE LEGEND**
- NEED TREES + PALMS
  - EXIST TREES + PALMS - TO RETAIN
  - EXIST TREES + PALMS - TO RELOCATE TO HOLDING AREA
  - EXIST TREES + PALMS - TO REMOVE



**BRUCE E. CUMMINGS & P.A.**  
LANDSCAPE ARCHITECTS  
LAUDERDALE BY THE SEA, FLA  
954/771-8184

DATE / REVISION
7/24/2017
2.1.16.1.2017

**EXHIBIT "E"**



4577 Nob Hill Road, Suite 102  
Sunrise, FL 33351  
[www.suntecheng.com](http://www.suntecheng.com)

---

Certificate of Auth. #7097/LB 7019  
Phone (954) 777-3123  
Fax (954) 777-3114

POMPANO BUSINESS CENTER  
COST ESTIMATE FOR SITE WORK  
AND RESTORATION

Clear and Grub Site (Includes Tree Removal)	\$57,250
Erosion Control	\$22,290
Site Grading@\$1.35/sy	\$60,000
Tree Relocation	\$35,860
Sod	\$120,000
Irrigation	\$ 35,000
 TOTAL	 \$330,400