



Form #0113

Rev 08/95

Field Rep

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

SURFACE WATER MANAGEMENT PERMIT NO. ~~48-00002-M~~

DATE ISSUED: JUNE 13, 1996

PERMITTEE: **ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS**
(SPLIT FOREST MITIGATION PARK)
201 S. ROSALIND AVENUE
ORLANDO, FL 32801

PROJECT DESCRIPTION: CONSTRUCTION APPROVAL FOR A 1049.26 ACRE MITIGATION BANK INCLUDING AUTHORIZATION TO SELL CREDITS FOR DISTRICT REQUIRED MITIGATION IN ACCORDANCE WITH THE RELEASE SCHEDULE.

PROJECT LOCATION: ORANGE COUNTY, SECTION 27,33,34,35 TWP 24S RGE 31E

This Permit is issued pursuant to Application No. 93050 and March 6, 1995. Permittee agrees to hold and save the South Florida Water Management District and its successors harmless from any and all damages, claims or liabilities which may arise by reason of the construction, operation, maintenance or use of activities authorized by this Permit. This Permit is issued under the provisions of Subsections 373.414(11)-(16), Florida Statutes (F.S.), and the Operating Agreement Concerning Regulation Under Part IV, Chapter 373 F.S., between South Florida Water Management District and the Department of Environmental Protection. Issuance of this Permit constitutes certification of compliance with state water quality standards where necessary pursuant to Section 401, Public Law 92-500, 33 USC Section 1341, unless this Permit is issued pursuant to the net improvement provisions of Subsections 373.414 (1) (b), F.S., or as otherwise stated herein.

This Permit may be transferred pursuant to the appropriate provisions of Chapter 373, F.S. and Sections 40E-1.6107(1) and (2), and 40E-4.351(1), (2), and (4), Florida Administrative Code (F.A.C.).

This Permit may be revoked, suspended, or modified at any time pursuant to the appropriate provisions of Chapter 373, F.S., and Sections 40E-4.351(1), (2), and (4), F.A.C.

This Permit shall be subject to the General Conditions set forth in Rule 40E-4.381, F.A.C., unless waived or modified by the Governing Board. The Application, and the Surface Water Management Staff Review Summary of the Application, including all conditions, and all plans and specifications incorporated by reference, are a part of this Permit. All activities authorized by this Permit shall be implemented as set forth in the plans, specifications, and performance criteria as set forth and incorporated in the Surface Water Management Staff Review Summary. 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, pursuant to the appropriate provisions of Chapter 373, F.S. and Sections 40E-4.361 and 40E-4.381, F.A.C.

In the event the property is sold or otherwise conveyed, the Permittee will remain liable for compliance with this Permit until transfer is approved by the District pursuant to Rule 40E-1.6107, F.A.C.

LIMITING AND SPECIAL CONDITIONS ARE AS FOLLOWS:
SEE PAGES 2-4 OF 7-10 SPECIAL CONDITIONS.
SEE PAGES 5-7 OF 7-18 GENERAL CONDITIONS.

FILED WITH THE CLERK OF THE
SOUTH FLORIDA WATER MANAGEMENT DISTRICT

SOUTH FLORIDA WATER
MANAGEMENT DISTRICT, BY ITS
GOVERNING BOARD

ON _____
BY Original signed by:
Vern Kaiser
DEPUTY CLERK

Original signed by
TONY BURNS
BY _____
ASSISTANT SECRETARY

SPECIAL CONDITIONS

1. ALL CORRESPONDENCE, SUBMITTALS AND NOTIFICATIONS REQUIRED BY THE FOLLOWING PERMIT CONDITIONS MUST BE SUBMITTED TO THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT IN THE ORLANDO SERVICE CENTER OFFICE.
2. ANY FUTURE CHANGES IN LAND USE OR TREATMENT OF WETLANDS AND/OR UPLAND COMPENSATION AREAS MAY REQUIRE AN ENVIRONMENTAL RESOURCE PERMIT/WETLAND MITIGATION BANK PERMIT MODIFICATION AND ADDITIONAL REVIEW BY DISTRICT ENVIRONMENTAL/ENGINEERING STAFF. PRIOR TO THE PERMITTEE INSTITUTING ANY FUTURE CHANGES NOT AUTHORIZED BY THIS PERMIT, THE PERMITTEE SHALL NOTIFY THE SFWMD OF SUCH INTENTIONS FOR A DETERMINATION OF ANY NECESSARY PERMIT MODIFICATIONS.
3. THE PERMITTEE SHALL BE RESPONSIBLE FOR THE SUCCESSFUL COMPLETION OF THE MITIGATION BANK, INCLUDING THE MONITORING AND MAINTENANCE IN PERPETUITY.

THE MONITORING REPORTING PROGRAM TO SFWMD SHALL EXTEND FOR A PERIOD OF FIVE (5) YEARS WITH ANNUAL REPORTS SUBMITTED TO SFWMD STAFF IN MARCH OF EACH YEAR IN CONJUNCTION WITH THE SUBMITTAL DATE OF SAME TO THE FLORIDA COMMUNITIES TRUST. THE REPORTS WILL INCLUDE, AT A MINIMUM, AN EXECUTIVE SUMMARY OF THE QUALITATIVE ASSESSMENT INSPECTIONS, NUISANCE OR EXOTICS INVASION PROBLEMS OR CONTROL ACTIVITIES, AND A BRIEF OVERVIEW OF THE BURNING ACTIVITIES AND ACCOMPLISHMENTS FOR THE YEAR.

4. ANY CONSTRUCTION PLAN FOR ANY ENHANCEMENT OR RESTORATION ACTIVITIES, SHALL BE SUBMITTED AND APPROVED AS A MODIFICATION TO THIS PERMIT ALONG WITH A MONITORING PROGRAM AND MAINTENANCE PROGRAM AND ASSOCIATED IMPLEMENTATION SCHEDULES PRIOR TO THE RELEASE OF ANY MITIGATION CREDITS FOR SAID ACTIVITIES.

SPECIAL CONDITIONS (Continued)

5. THE FOLLOWING SCHEDULE SHALL BE IMPLEMENTED REGARDING THE RELEASE OF CREDITS FOR SALE WITHIN THE MITIGATION BANK:

ACTIVITY	RELEASE %
DEMONSTRATION THROUGH THE SUBMITTAL OF AN ANNUAL REPORT THAT SUCCESSFUL BURNING OF 580 ACRES, AND 27 MONTHS OF SITE MANAGEMENT HAS BEEN ACCOMPLISHED, RECORD CONSERVATION EASEMENT WITHIN THREE (3) MONTHS OF PERMIT APPROVAL.	43%
COMPLETE TRI- PARTY AGREEMENT REVISION WITHIN ONE (1) YEAR OF THE ISSUANCE OF THIS PERMIT.	20%
SUCCESSFUL MONITORING FOR TWO (2) YEARS SUBSEQUENT TO PERMIT ISSUANCE.	9%
SUCCESSFUL MONITORING FOR THREE (3) YEARS SUBSEQUENT TO PERMIT ISSUANCE.	9%
SUCCESSFUL MONITORING FOR FOUR (4) YEARS SUBSEQUENT TO PERMIT ISSUANCE.	9%
COMPLETION OF ANNUAL MONITORING FOR FIVE YEARS AS VERIFIED BY DISTRICT STAFF.	10%

*SUCCESSFUL MONITORING CONSISTS OF DISTRICT APPROVED PROGRESSION TOWARD ACCOMPLISHMENT OF GENERAL AND BURN MANAGEMENT GOALS AS ESTABLISHED IN APPENDICES B AND D ("BURN MANAGEMENT PLAN" AND "GENERAL MANAGEMENT PLAN") OF THE APPLICATION SUBMITTAL.

6. APPROVAL OF THIS PERMIT IS CONDITIONED UPON THE APPLICANT PROVIDING AN EXECUTED COPY OF THE REVISED TRI-PARTY AGREEMENT TO THE ORLANDO SERVICE CENTER WITHIN ONE (1) YEAR OF BOARD APPROVAL. THE REVISED TRI-PARTY AGREEMENT SHALL INCLUDE A PROVISION WHICH STIPULATES: SHOULD THE FGFWFC EVER BE UNABLE OR UNWILLING TO PERFORM MANAGEMENT OF THE SITE, ALL FUNDS REMAINING IN THE TRUST FOR LONGTERM MANAGEMENT, AS WELL AS ANY FUTURE PROCEEDS TO BE RECEIVED FROM THE SALE OF CREDITS, SHALL BE TURNED OVER TO ORANGE COUNTY.
7. SHOULD THE LONGTERM MANAGEMENT FUNDS EVER BE TURNED OVER TO ORANGE COUNTY, THE COUNTY WILL ESTABLISH A TRUST FUND, THE PRINCIPAL AND INTEREST OF WHICH WILL BE USED TO FINANCE LONGTERM MANAGEMENT OF THE SITE.
8. SHOULD THE FGFWFC EVER CEASE MANAGING THE SITE, RESPONSIBILITY FOR ITS MANAGEMENT, ACCORDING TO THE TERMS SET OUT IN THE APPLICATION SUBMITTAL, WILL REVERT TO ORANGE COUNTY.

SPECIAL CONDITIONS (Continued)

9. (A) NO LATER THAN 30 DAYS AFTER ISSUANCE OF A CONSTRUCTION PERMIT, THE PERMITTEE SHALL SUBMIT TO THE DISTRICT, FOR REVIEW AND APPROVAL IN ACCORDANCE WITH EXHIBIT 6, TWO (2) COPIES OF THE FOLLOWING:
1. SITE MAP OF CONSERVATION AREA
 2. LEGAL DESCRIPTION OF CONSERVATION AREA
 3. SURVEY BY PROFESSIONAL LAND SURVEYOR OF CONSERVATION AREA
 4. TITLE INSURANCE COMMITMENT/POLICY
 5. APPRAISAL OF PROPERTY
- (B) WITHIN 30 DAYS OF DISTRICT APPROVAL OF THE ABOVE LISTED ITEMS, THE PERMITTEE SHALL RECORD A CONSERVATION EASEMENT ON THE REAL PROPERTY AND SUBMIT TWO (2) CERTIFIED COPIES TO THE DISTRICT. THE CONSERVATION EASEMENT SHALL BE GRANTED TO THE DISTRICT AND SHALL CONTAIN THE ACTIVITY RESTRICTIONS SET FORTH SECTION 704.06(1) F.S. THE RECORDED CONSERVATION EASEMENT SHALL BE IN CONFORMANCE WITH THE DRAFT CONSERVATION EASEMENT ATTACHED AS EXHIBIT 6. ANY AMENDMENTS TO THE CONSERVATION EASEMENT MUST BE APPROVED BY THE DISTRICT.
10. ANY REVISIONS OF THE TR-PARTY AGREEMENT WILL REQUIRE MODIFICATION TO THIS PERMIT. THE REVISION REQUIRED UNDER SPECIAL CONDITION #6, ABOVE, MAY BE SUBMITTED AS A LETTER MODIFICATION TO THIS PERMIT.

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.
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 THE DISTRICT STAFF. THE PERMITTEE SHALL REQUIRE THE CONTRACTOR TO REVIEW THE COMPLETE PERMIT PRIOR TO THE 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 SECTION 6 OF THE FLORIDA LAND DEVELOPMENT MANUAL; A GUIDE TO SOUND LAND AND WATER MANAGEMENT (DER 1988) 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 A CONSTRUCTION COMMENCEMENT NOTICE FORM INDICATING THE ACTUAL START DATE AND THE EXPECTED COMPLETION DATE.
5. WHEN THE DURATION OF CONSTRUCTION EXCEEDS 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 DURING 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 CONSTRUCTION COMPLETION/CONSTRUCTION CERTIFICATION FORM. THE STATEMENT OF COMPLETION AND CERTIFICATION SHALL BE BASED ON ON-SITE 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

GENERAL CONDITIONS (CONT'D)

DISTRICT THAT THE SYSTEM IS READY FOR INSPECTION. ADDITIONALLY, IF DEVIATIONS FROM THE APPROVED DRAWINGS ARE 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, THE DISTRICT DETERMINES THE SYSTEM TO BE COMPLIANCE WITH THE PERMITTED PLANS AND SPECIFICATIONS, AND THE ENTITY APPROVED BY THE DISTRICT ACCEPTS RESPONSIBILITY FOR OPERATION AND MAINTENANCE OF THE SYSTEM. THE PERMIT SHALL NOT BE TRANSFERRED TO THE OPERATION AND MAINTENANCE ENTITY APPROVED BY THE DISTRICT 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 RESPONSIBLE OPERATING ENTITY APPROVED BY THE DISTRICT, IF DIFFERENT FROM THE PERMITTEE. UNTIL A TRANSFER IS APPROVED BY THE DISTRICT, 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 PLAN AND PERMIT CONDITIONS PRIOR TO THE TRANSFER OF RESPONSIBILITY FOR OPERATION AND MAINTENANCE OF THE PHASE OR PORTION OF THE SYSTEM TO A LOCAL GOVERNMENT OR OTHER RESPONSIBLE ENTITY.

9. SHOULD ANY OTHER REGULATORY AGENCY REQUIRE CHANGES TO THE PERMITTED SYSTEM, THE DISTRICT SHALL BE NOTIFIED OF THE CHANGES PRIOR TO IMPLEMENTATION SO THAT A DETERMINATION CAN BE MADE WHETHER A PERMIT MODIFICATION IS REQUIRED.

10. 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.

11. THE PERMITTEE IS HEREBY ADVISED THAT SECTION 253.77, F.S. STATES 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

GENERAL CONDITIONS (CONT'D)

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.

12. 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.

13. 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.

14. 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 373.4241(2), F.S., PROVIDES OTHERWISE.

15. 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 AT 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.

16. 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.

17. IF HISTORICAL OR ARCHAEOLOGICAL ARTIFACTS ARE DISCOVERED AT ANY TIME ON THE PROJECT SITE, THE PERMITTEE SHALL IMMEDIATELY NOTIFY THE APPROPRIATE DISTRICT SERVICE CENTER.

18. THE PERMITTEE SHALL IMMEDIATELY NOTIFY THE DISTRICT IN WRITING OF ANY PREVIOUSLY SUBMITTED INFORMATION THAT IS LATER DISCOVERED TO BE INACCURATE.

DRAFT
Subject to Governing
Board Approval

LAST DATE FOR GOVERNING BOARD ACTION:
June 13, 1996

**WETLAND MITIGATION BANK PERMIT
STAFF REPORT**

I. ADMINISTRATIVE

PERMIT APPLICATION NUMBER: 950306-3

PROJECT NAME: SPLIT OAK FOREST MITIGATION PARK

APPLICATION TYPE: MITIGATION BANK APPROVAL

PERMIT DURATION: 5 YEARS

LOCATION: Orange County, S27, 33, 34 & 35 /T24S/R31E

APPLICANT'S NAME AND ADDRESS:

Orange County Board of County Commissioners
201 South Rosalind Ave.
Orlando, Florida 32801

OWNER'S NAME AND ADDRESS:

Orange County Board of County Commissioners
201 South Rosalind Ave.
Orlando, Florida 32801

ENGINEER/AGENT:

Breedlove Dennis and Associates, Inc.
4301 Metric Drive
Winter Park, Florida 32792

II. PROJECT DESCRIPTION

PROJECT AREA: 1049 acres

RECEIVING WATER BODY(S): East Lake Tohopekaliga

CLASSIFICATION: CLASS III

AUTHORITY: Chapter 373, Part IV, F.S.

SPECIAL DRAINAGE DISTRICT: Not Applicable

GENERAL DESCRIPTION:

The applicant is requesting construction approval of a 1049.26 acre mitigation bank (Bank) within an area owned by Orange County. The site is located east of Narcoossee Rd (S.R. 15) between Lake Hart, Lake Mary Jane and the Osceola County Line.

The subject 1049.26 acre Split Oak Mitigation Bank ("Bank") site is a part of a total 1,689 acre site (Split Oak Forest Mitigation Park ("Park")) located in both Orange and Osceola Counties. The purpose of the project is to establish a mitigation park for both Osceola and Orange counties within the East Central Florida Regional Planning Council area. The primary goal of the program is to accommodate wildlife and wetland mitigation projects within a regional context. Florida Communities Trust funded a portion of the purchase of the property; that portion is not to be sold as mitigation. Since a majority of the property within Osceola County is already encumbered as a result of previous District and other agency permits, Osceola County has chosen not to participate in the mitigation bank application.

Of the total 1,049.26 acres of land within the "Bank" application area several acres are no longer available for use as mitigation credit. The following table shows a breakdown of the acreages and restrictions (Exhibit 7):

PROJECT NAME	RESTRICTION	WETLAND ACRES/ CREDITS	UPLAND ACRES/ CREDITS	TOTAL ACRES/ CREDITS
TOTAL BANK		263.9 263.9	787.4 261.1	1,049.2 287.7
FLORIDA COMMUNITIES TRUST	GRANT PROHIBITS MITIGATION SALE (ENCUMBERED)	207/NA		267/61
ORANGE COUNTY CONVENTION CENTER	PERMIT #940615-17 (CLOSED)	60/NA		
SUBTOTAL - UNENCUMBERED		127.1 127.1	555.4 240.5	682.5 231.6
DOT/DISNEY	VARIOUS PERMITS (PAYMENT NOT COMPLETE) (PNC)	35.9/3.6	45.9/ 15.3	81.8/ 18.9
WET AND WILD	PERMIT (PNC)	20.51/ 2.1	4.0/1.3	24.5/ 3.4
ISLES OF BUENA VISTA	PERMIT (PNC)	12.5/1.3	1.5/.5	14.0/ 1.8
MYSTIC POINTE	PERMIT (PNC)	5.0/.5	0/0	5.0/0.5
SUBTOTAL - ENCUMBERED		236.8 236.8	252.0 206.2	488.8 206.4

As shown above, 267 acres have been previously encumbered; 207 acres were set aside as being equal in value to Preservation 2000 grant monies. Lands purchased with those funds are prohibited from being sold for mitigation via a recorded grant award agreement with the Florida Communities Trust. An additional 60 acres were dedicated to the SFWMD under a conservation easement as mitigation to offset impacts to wetlands permitted under application #940615-17, permit 48-000055-S, for the construction of the Orange County Convention Center, Phase 4.

An additional 125.3 acres (24.6 credits) have been previously designated as mitigation for construction approval related impacts. The county has not yet closed on the sale of these credits/acres. Immediately upon approval of this permit and sale of the credits the applicant will submit a letter modification to this permit for deduction of these credits.

This application is for construction level approval of a mitigation bank on the remaining 782.37 unencumbered acres. All mitigation activities approved under this application are confined to preservation and long term management of the land. No construction activities, ie. dredging, filling, structure construction or planting for the purposes of creation, restoration or enhancement, are being proposed or approved at this time.

RECOMMENDATION:

In accordance with Section 4.4 of the Basis of Review, the applicant has provided reasonable assurance that the proposed mitigation bank will improve ecological conditions of the regional watershed, provide viable and sustainable ecological and hydrological functions for the proposed mitigation service area, be effectively managed in the long term, not destroy areas with high ecological value, achieve mitigation success and is adjacent to lands which will not adversely affect the long-term viability of the Mitigation Bank.

Staff recommends approval of the application with conditions.

ASSESSMENT OF EXISTING SITE

The designated section numbers correspond to the Mitigation Bank Rules, Basis of Review.

LOCATION:

4.4.4.1 The site is located east of Narcoossee Rd (S.R. 15) between Lake Hart, Lake Mary Jane and the Osceola County Line. It is immediately adjacent to the western boundary of the Orange County's Moss Park. (see Exhibit 1). Aerial photographs of the Bank site and surrounding areas as well as a legal description of the site are included in the permit file.

4.4.4.2

DESCRIPTION OF ECOLOGICAL SIGNIFICANCE OF THE BANK SITE TO THE REGIONAL

WATERSHED:

Split Oak Forest Mitigation Park is located in an area of regional ecological significance, as identified by the Florida Game and Fresh Water Fish Commission in "Closing the Gaps in Florida's Wildlife Habitat Conservation System" (© 1994). The site lies near the Econlockhatchee River drainage basin, the Tosohatchee State Preserve, and the St Johns River Drainage basin.

Preservation of the site will provide valuable habitat for a diverse number of plants and animals including listed species. The management activities proposed will serve to restore, maintain and preserve the natural systems free from exotics and nuisance invaders as well as successional species. In particular, preservation of xeric uplands will maintain the integrity of the groundwater recharge potential.

ASSESSMENT OF CURRENT SITE CONDITIONS

4.4.4.3(a) The property is characterized by two major soil associations: soils of the flatwoods, low ridges, and knolls are underlain by the Smyrna-Pomello-Immokalee association. Around the perimeter of this soils association are soils of the swamps, sloughs, and floodplains, which include the Samsula-Hontoon- Basinger association. The spoil piles and areas adjacent to and surrounding the dredged marshes include excavated soils which were deposited during previous dredging activities. As a result of soil deposition, these areas include a non-homogeneous mixture of both native mucks and subsurface soils.

4.4.4.3(b) A topographic map of the existing site is included as Exhibit 2.

4.4.4.3(c) A hydrologic features map of the site and adjacent contributing and receiving areas is included as Exhibit 3.

4.4.4.3(d) HYDROLOGIC CONDITIONS:

Some minor hydrologic alterations have occurred onsite and within adjacent areas of influence. Several canals and large drainage ditches have been constructed, subsequently lowering the surrounding water table. SFWMD drainage Canal No. C-29A, approximately one-quarter mile to the west of the site, may have regional effects on the groundwater table thereby possibly dampening some of the historic dynamic nature of the site wetlands. This may have affected the composition of species within wetlands that nevertheless remain functional. Two dredged ponds occur within the southern portion of the site. The dredging of these ponds has probably effected surrounding groundwater levels and reduced habitat values with the reduction or elimination of littoral shelves.

These modifications have resulted in only minor impacts to the hydrologic regime of the site. Otherwise, the site remains intact and functionally viable and healthy.

4.4.4.3(e) A map of the existing vegetation within the project area is attached as Exhibit 4.

4.4.4.3(f) ECOLOGICAL SIGNIFICANCE:

The most unique and ecologically significant feature of the Bank is the diverse array of upland and wetland communities which occur on site (Exhibit 4). These include 16 upland communities and 11 wetland communities, all of which have been impacted only to a minor degree by agricultural operations and development. While fire suppression over the recent past may have allowed ecological succession in fire climax communities, with the selective institution of fire management in specific areas, an even more diverse array of habitats and species is possible.

The diversity of habitats represented in and around the site may be the major reason for the healthy diversity of listed and non-listed plant and animal species. At least 12 state or federally listed species are known to occur on site with a moderate to likely potential for occurrence of 8 additional listed animals and numerous plants. The observed listed animals include: Florida gopher frog, American alligator, eastern indigo, gopher tortoise, Florida scrub jay, little blue heron, tri-colored heron, white ibis, southeastern American kestrel, Florida sandhill crane, southern bald eagle, woodstork, and Sherman's fox squirrel. The site management has been designed by the Florida Game and Fresh Water Fish Commission to create optimum conditions for gopher tortoises and scrub jays.

Another contributing factor to the ecological significance of the site is its location as a link in major potential wildlife corridors within the region (Exhibit 5). The corridor plan is proposed as a Development Framework Element in the County comprehensive plan. Development regulations are being formulated for corridor protection. The location of the Bank within the corridor system will allow genetic exchange; thereby keeping populations strong and healthy.

4.4.4.3(g) ADJACENT LANDS:

The proposed bank lies adjacent to the Orange County-operated Moss Park and Lake Hart. Moss Park lies adjacent to Lake Mary Jane. Immediately south of the site is the Osceola County portion of the mitigation "park". Immediately west, for approximately a mile, the land is used for agricultural activities primarily cattle ranching. The SJRWMD- owned Little Big Econ State Forest, the FDEP owned Tosohatchee State Game Preserve, Orange County owned Hal Scott Park, and the SJRWMD owned lands within the St Johns River basin all exist in close proximity to the site.

The general land use in immediate proximity to the site is agricultural, undeveloped and /or conservation areas.

4.4.4.3(h) The applicant has submitted a disclosure statement which states that there are no material facts or conditions which may affect the use of the property as a wetlands mitigation bank.

SURFACE WATER MANAGEMENT SYSTEM:

The proposed activities consist solely of preservation and management. Beyond natural contours or agricultural related ditches, no surface water management system exists on site. While the applicant may propose in the future to restore altered wetlands or surface water flows, this application does not include review or approval of any surface water management system activities. Any surface water management activities including restoration or enhancement will be reviewed and approved under future modifications of the permit.

ASSESSMENT OF MITIGATION PLAN:

4.4.4.4 (a - d)

As stated above, no construction, planting or earth moving activities are proposed at this time.

4.4.4.4 (e) LONG-TERM MANAGEMENT:

Under the terms of a tri-party agreement between Orange County, Osceola County, and the Florida Game and Fresh Water Fish Commission (FGFWFC), FGFWFC will be responsible for the design and execution of a longterm natural resource management plan for the site. The primary components of this plan include ecological burning, and control of exotic and nuisance plants and animals.

Control of exotic and nuisance plants and animals: The Bank enjoys a comparatively low level of exotic plant infestation. Most non-native plants occur within existing pasture and are the result of intentional introduction for cattle forage. Regular site inspections for infestation will be performed with a log of the inspection results maintained. Non-native vegetation found in the uplands will be girdled, removed, or selectively treated with herbicide if populations become significant and not manageable by fire alone. Exotic or feral animals do not pose a significant threat to the site. If a problem develops the FGFWFC will retain the services of a contractor to remove the animals.

Fire Management: The primary objectives of fire management at the bank will be to (1) improve habitat for gopher tortoise populations, (2) increase the herbaceous component of flatwoods vegetation, (3) reduce populations of invasive native species, and (4) manage communities based on optimal habitat recommendations for scrub jays. The timing, duration, and intensity of the different burns will be based upon the area specific objectives.

A complete management plan and burn plan are included in the permit file and incorporated herein by reference.

Water Quality: As a result of the establishment of the site as a mitigation park, cattle have been removed from the site, and the potential for water quality degradation due to low dissolved oxygen, high fecal coliforms, high nutrients, or turbidity from agricultural operations has been minimized.

Control of Access and Site Recreational Use: County-maintained access to the property is available from the west along Clapp-Simms-Duda Road. The property also shares a common boundary with Moss park. Approximately 20 unpaved parking spaces, which occupy approximately 3,600 square feet, have been constructed in an existing improved pasture at the entrance into the facility. Vehicular traffic is limited to agency and enforcement personnel. No major internal roadway improvements are proposed.

While the application submittal included some discussion of possible lake, wetland, and upland restoration activities, and trail development, this permit does not constitute conceptual or construction level approval of any activities other than preservation and longterm management for mitigation credit.

Information signs will be installed at the two primary access points into the site. All signs, brochures, and marketing will identify primary funding sources, and participants, and will indicate that the site is publicly owned and is an outdoor recreational site.

No concessions or leases are planned for the park. A future utility easement may be required to supply basic electric requirements for the entrance area.

No permanent on-site personnel are proposed, although staff at Moss Park are available for monitoring and maintenance. Management personnel will be supplied from either FGFWFC regional offices or private vendors under contract. Law enforcement security will be provided by wildlife officers with the Florida Game and Fresh Water Fish Commission in coordination with security personnel at Moss Park.

4.4.4.4(f) MONITORING PLAN

A generalized monitoring plan is included in the permit file as section 7.0 of the submittal package and is included herein by reference. Monitoring will involve qualitative assessments performed on a regular basis by patrolling FGFWFC personnel and/or Moss Park staff and observations will be recorded in a log. Post burn assessments and photo-monitoring stations will be established to evaluate the success of burns and monitor the regeneration of vegetation six months after each burn. Assessments will determine: an estimate of the burn area; a description of fire intensity variations; a description of problems encountered and their recommended resolution; and an evaluation of probable reasons for marginal burning results. The applicant will submit an annual monitoring report which will include: an executive summary of the burning activities and exotics and nuisance problems and control activities; and an appendix including each of the Post Burn Assessments performed in the intervening period since the last monitoring report. Orange County will take the lead on preparing and coordinating the annual report. Monitoring will be performed for a minimum of five years. Additional monitoring or remedy efforts may be required if the management activities do not achieve the established goals.

4.4.5 ESTABLISHMENT OF MITIGATION CREDITS

Of the total 1,049.26 acres on site 656.7 acres, (603.6 acres uplands and 53.1 acres wetlands), remain unencumbered and available for mitigation credit. Based on a review of the existing habitat value and the proposed preservation and management plan, District staff has determined that 206 credits are available for sale from the proposed bank for projects which require mitigation under SFWMD permits. These credits are the combined total of 1 mitigation credit for every 3 acres of uplands preserved and managed (603.6 acres/3 = 201.2 credits) and 1 credit for every 10 acres of wetlands preserved and managed (53.1/10 = 5.3 credits).

The mitigation primarily involves preservation and longterm management. The credits will be released according to the following schedule:

ACTIVITY	RELEASE %
DEMONSTRATION THROUGH THE SUBMITTAL OF AN ANNUAL REPORT THAT SUCCESSFUL BURNING OF 580 ACRES, AND 27 MONTHS OF SITE MANAGEMENT HAS BEEN ACCOMPLISHED, RECORD CONSERVATION EASEMENT WITHIN THREE (3) MONTHS OF PERMIT APPROVAL.	43%
COMPLETE TRI- PARTY AGREEMENT REVISION WITHIN ONE (1) YEAR OF THE ISSUANCE OF THIS PERMIT.	20%
SUCCESSFUL* MONITORING FOR TWO (2) YEARS SUBSEQUENT TO PERMIT ISSUANCE.	9%
SUCCESSFUL* MONITORING FOR THREE (3) YEARS SUBSEQUENT TO PERMIT ISSUANCE.	9%
SUCCESSFUL* MONITORING FOR FOUR (4) YEARS SUBSEQUENT TO PERMIT ISSUANCE.	9%
COMPLETION OF ANNUAL MONITORING FOR FIVE YEARS AS VERIFIED BY DISTRICT STAFF.	10%

*SUCCESSFUL MONITORING CONSISTS OF DISTRICT APPROVED PROGRESSION TOWARD ACCOMPLISHMENT OF GENERAL AND BURN MANAGEMENT GOALS AS ESTABLISHED IN APPENDICES B AND D ("BURN MANAGEMENT PLAN" AND "GENERAL MANAGEMENT PLAN") OF THE APPLICATION SUBMITTAL.

The final credits will become available and the applicant will be released from monitoring after District Staff concurs that five years of monitoring demonstrates that the management activities are successfully accomplishing the goals of the management plans (as stated in the application submittal,

Appendix B, "Fire Management Plan", Page 7 and Appendix D, "Preliminary management Plan" section 4.A. "Goals and Objectives"). (Special Condition #5)

The mitigation site holds potential for future enhancement and/or restoration activities. Certain activities have been generally discussed (8/29/95 R.A.I. letter from J. Exum, V.P., BDA, Inc. applicant's agent, held in the permit file and incorporated herein by reference), regarding potential enhancement activities and the credits those activities could earn. The specific restoration/enhancement activities, appropriate credit ratios, and release schedules will be established under subsequent construction approval applications. But, the activities discussed in the aforementioned letter may earn up to, but no more than, the credits proposed within the same letter, dependent upon the level of effort employed and degree of resulting success accomplished.

MITIGATION SERVICE AREA

The mitigation service area will be consistent with the Orlando Service Center boundaries of the South Florida Water Management District (Exhibit 8). The suitability of this Bank to offset impacts to any given project will be determined on a case-by-case review of the project for which impacts are proposed.

TRANSFERENCE OF CREDITS

Whenever credits are to be sold from the mitigation bank, Orange County will apply for a letter modification to this permit. Letter modifications will be applied for with the sale of credits regardless of whether they are to be used to offset gopher tortoise or wetland impacts.

The SFWMD will keep a ledger of all transactions regarding debits and credits from the bank, including those for permits issued for wetland impact mitigation or gopher tortoise take mitigation from any permitting agency. An interagency notification system will be coordinated with the applicant to ensure that credits are accurately accounted for and that all agencies are aware of the credits available for use within the Bank. The applicant will be responsible for coordinating the transaction sheets.

CONSERVATION EASEMENT AND RELATED DOCUMENTATION

A draft conservation easement (Exhibit 6) has been submitted for the mitigation bank site which includes restrictions on activities, in conformance with Chapter 704.06, F.S., and which allows for limited passive recreational uses including interpretive signs along hiking trails, sanitary facilities in primitive campgrounds (with prior written approval) and other structures which receive prior written approval from the District. Plans for such facilities must be submitted to the SFWMD for review and any necessary permits shall be obtained prior to construction. Within 30 days after the issuance of this permit, the applicant shall submit a final draft in recordable form of the easement, a signed and sealed survey with legal description and title insurance commitment/policy for review by the SFWMD Real Estate Division (Special Condition #6). The easement will be recorded within 30 days of

receiving the SFWMD approval of the real estate documentation.

FINANCIAL RESPONSIBILITY

Pursuant to the SFWMD criteria, the applicant has established a financial mechanism to provide proof of financial responsibility for the long term management of the bank. No construction activities are proposed at this time therefore no construction and implementation fund is required.

LONG-TERM MANAGEMENT FUND:

Under terms of a tri-party agreement between the FGFWFC, Orange County, and Osceola County, 15% of the funds received with each credit sale, (not to be less than \$1,000/acre), will be set aside in the State's Habitat Trust Fund. While these monies will be co-mingled with other un-related funds they will be administratively identified and maintained "separately" in the accounting for the fund. The interest earned from the principal deposited in the maintenance fund will be used for long-term management. Funds collected pursuant to the agreement will be administered by the FGFWFC.

STATUS OF OTHER SFWMD PERMITS

ERP/Surface Water Management Permit: No Surface Water Management or other Environmental Resource Permits are required in conjunction with this project.

Water Use Permit: The proposed project does not involve any water withdrawals. A Water Use permit is not required for this project.

Right-of-Way Occupancy Permit: The proposed project does not involve any works within SFWMD Right-of-way. A Right-of-Way permit is not required for this project.

Lake Okeechobee SWIM Permit: This project is not located within a Lake Okeechobee SWIM basin.

EAA Works of the District Permit: This project is not located within the EAA.

DRI STATUS:

This project is not subject to or fall within any Development of Regional Impact.

SAVE OUR RIVERS:

The project is not located within or adjacent to lands under consideration by the Save Our Rivers program.

ENFORCEMENT ACTIVITY:

There has been no enforcement activity associated with this application.

THIRD PARTY INTEREST:

No third party has contacted the District with concerns about this application.

PRIMARY ISSUES RESOLVED:

Preservation of wetlands and uplands, longterm management, mitigation credits earned and distribution schedule, and financial assurances.

IV. STAFF RECOMMENDATION

The staff recommends that the following be issued:

- X Authorization for construction approval for a 1049.26 acre mitigation bank including authorization to sell credits for district required mitigation in accordance with the release schedule.

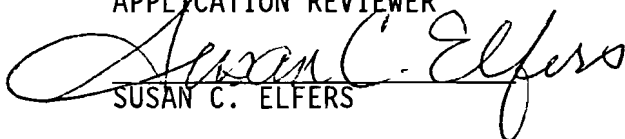
Based on the information provided, Chapter 373 F.S. and its implementing rules have been adhered to.

Staff recommendation is for approval subject to the attached General Conditions, Special Conditions and Exhibits.

V. STAFF REVIEW

NATURAL RESOURCE MANAGEMENT DIVISION:

APPLICATION REVIEWER

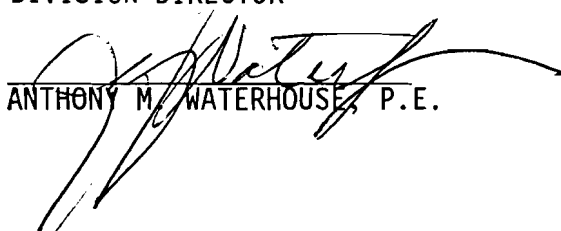

SUSAN C. ELFERS

DIVISION DIRECTOR

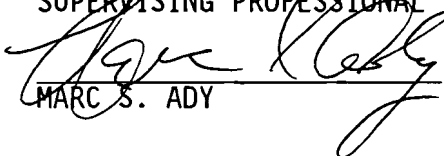

ROBERT G. ROBBINS

SURFACE WATER MANAGEMENT DIVISION:

DIVISION DIRECTOR


ANTHONY M. WATERHOUSE, P.E.

SUPERVISING PROFESSIONAL


MARC S. ADY

DATE: 5/22/96

DATE: 5/19/96

DRAFT
Subject to Governing
Board Approval

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.

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 THE DISTRICT STAFF. THE PERMITTEE SHALL REQUIRE THE CONTRACTOR TO REVIEW THE COMPLETE PERMIT PRIOR TO THE 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 SECTION 6 OF THE FLORIDA LAND DEVELOPMENT MANUAL; A GUIDE TO SOUND LAND AND WATER MANAGEMENT (DER 1988) 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 A CONSTRUCTION COMMENCEMENT NOTICE FORM INDICATING THE ACTUAL START DATE AND THE EXPECTED COMPLETION DATE.

5. WHEN THE DURATION OF CONSTRUCTION EXCEEDS 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 DURING 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 CONSTRUCTION COMPLETION/CONSTRUCTION CERTIFICATION FORM. THE STATEMENT OF COMPLETION AND CERTIFICATION SHALL BE BASED ON ON-SITE 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

GENERAL CONDITIONS (CONT'D)

DISTRICT THAT THE SYSTEM IS READY FOR INSPECTION. ADDITIONALLY, IF DEVIATIONS FROM THE APPROVED DRAWINGS ARE 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, THE DISTRICT DETERMINES THE SYSTEM TO BE COMPLIANCE WITH THE PERMITTED PLANS AND SPECIFICATIONS, AND THE ENTITY APPROVED BY THE DISTRICT ACCEPTS RESPONSIBILITY FOR OPERATION AND MAINTENANCE OF THE SYSTEM. THE PERMIT SHALL NOT BE TRANSFERRED TO THE OPERATION AND MAINTENANCE ENTITY APPROVED BY THE DISTRICT 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 RESPONSIBLE OPERATING ENTITY APPROVED BY THE DISTRICT, IF DIFFERENT FROM THE PERMITTEE. UNTIL A TRANSFER IS APPROVED BY THE DISTRICT, 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 PLAN AND PERMIT CONDITIONS PRIOR TO THE TRANSFER OF RESPONSIBILITY FOR OPERATION AND MAINTENANCE OF THE PHASE OR PORTION OF THE SYSTEM TO A LOCAL GOVERNMENT OR OTHER RESPONSIBLE ENTITY.

9. SHOULD ANY OTHER REGULATORY AGENCY REQUIRE CHANGES TO THE PERMITTED SYSTEM, THE DISTRICT SHALL BE NOTIFIED OF THE CHANGES PRIOR TO IMPLEMENTATION SO THAT A DETERMINATION CAN BE MADE WHETHER A PERMIT MODIFICATION IS REQUIRED.

10. 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.

11. THE PERMITTEE IS HEREBY ADVISED THAT SECTION 253.77, F.S. STATES 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

GENERAL CONDITIONS (CONT'D)

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.

12. 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.

13. 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.

14. 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 373.4241(2), F.S., PROVIDES OTHERWISE.

15. 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 AT 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.

16. 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.

17. IF HISTORICAL OR ARCHAEOLOGICAL ARTIFACTS ARE DISCOVERED AT ANY TIME ON THE PROJECT SITE, THE PERMITTEE SHALL IMMEDIATELY NOTIFY THE APPROPRIATE DISTRICT SERVICE CENTER.

18. THE PERMITTEE SHALL IMMEDIATELY NOTIFY THE DISTRICT IN WRITING OF ANY PREVIOUSLY SUBMITTED INFORMATION THAT IS LATER DISCOVERED TO BE INACCURATE.

SPECIAL CONDITIONS

1. ALL CORRESPONDENCE, SUBMITTALS AND NOTIFICATIONS REQUIRED BY THE FOLLOWING PERMIT CONDITIONS MUST BE SUBMITTED TO THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT IN THE ORLANDO SERVICE CENTER OFFICE.
2. ANY FUTURE CHANGES IN LAND USE OR TREATMENT OF WETLANDS AND/OR UPLAND COMPENSATION AREAS MAY REQUIRE AN ENVIRONMENTAL RESOURCE PERMIT/WETLAND MITIGATION BANK PERMIT MODIFICATION AND ADDITIONAL REVIEW BY DISTRICT ENVIRONMENTAL/ENGINEERING STAFF. PRIOR TO THE PERMITTEE INSTITUTING ANY FUTURE CHANGES NOT AUTHORIZED BY THIS PERMIT, THE PERMITTEE SHALL NOTIFY THE SFWMD OF SUCH INTENTIONS FOR A DETERMINATION OF ANY NECESSARY PERMIT MODIFICATIONS.
3. THE PERMITTEE SHALL BE RESPONSIBLE FOR THE SUCCESSFUL COMPLETION OF THE MITIGATION BANK, INCLUDING THE MONITORING AND MAINTENANCE IN PERPETUITY.

THE MONITORING REPORTING PROGRAM TO SFWMD SHALL EXTEND FOR A PERIOD OF FIVE (5) YEARS WITH ANNUAL REPORTS SUBMITTED TO SFWMD STAFF IN MARCH OF EACH YEAR IN CONJUNCTION WITH THE SUBMITTAL DATE OF SAME TO THE FLORIDA COMMUNITIES TRUST. THE REPORTS WILL INCLUDE, AT A MINIMUM, AN EXECUTIVE SUMMARY OF THE QUALITATIVE ASSESSMENT INSPECTIONS, NUISANCE OR EXOTICS INVASION PROBLEMS OR CONTROL ACTIVITIES, AND A BRIEF OVERVIEW OF THE BURNING ACTIVITIES AND ACCOMPLISHMENTS FOR THE YEAR.

4. ANY CONSTRUCTION PLAN FOR ANY ENHANCEMENT OR RESTORATION ACTIVITIES, SHALL BE SUBMITTED AND APPROVED AS A MODIFICATION TO THIS PERMIT ALONG WITH A MONITORING PROGRAM AND MAINTENANCE PROGRAM AND ASSOCIATED IMPLEMENTATION SCHEDULES PRIOR TO THE RELEASE OF ANY MITIGATION CREDITS FOR SAID ACTIVITIES.

SPECIAL CONDITIONS (Continued)

5. THE FOLLOWING SCHEDULE SHALL BE IMPLEMENTED REGARDING THE RELEASE OF CREDITS FOR SALE WITHIN THE MITIGATION BANK:

ACTIVITY	RELEASE %
DEMONSTRATION THROUGH THE SUBMITTAL OF AN ANNUAL REPORT THAT SUCCESSFUL BURNING OF 580 ACRES, AND 27 MONTHS OF SITE MANAGEMENT HAS BEEN ACCOMPLISHED, RECORD CONSERVATION EASEMENT WITHIN THREE (3) MONTHS OF PERMIT APPROVAL.	43%
COMPLETE TRI- PARTY AGREEMENT REVISION WITHIN ONE (1) YEAR OF THE ISSUANCE OF THIS PERMIT.	20%
SUCCESSFUL MONITORING FOR TWO (2) YEARS SUBSEQUENT TO PERMIT ISSUANCE.	9%
SUCCESSFUL MONITORING FOR THREE (3) YEARS SUBSEQUENT TO PERMIT ISSUANCE.	9%
SUCCESSFUL MONITORING FOR FOUR (4) YEARS SUBSEQUENT TO PERMIT ISSUANCE.	9%
COMPLETION OF ANNUAL MONITORING FOR FIVE YEARS AS VERIFIED BY DISTRICT STAFF.	10%

*SUCCESSFUL MONITORING CONSISTS OF DISTRICT APPROVED PROGRESSION TOWARD ACCOMPLISHMENT OF GENERAL AND BURN MANAGEMENT GOALS AS ESTABLISHED IN APPENDICES B AND D ("BURN MANAGEMENT PLAN" AND "GENERAL MANAGEMENT PLAN") OF THE APPLICATION SUBMITTAL.

6. APPROVAL OF THIS PERMIT IS CONDITIONED UPON THE APPLICANT PROVIDING AN EXECUTED COPY OF THE REVISED TRI-PARTY AGREEMENT TO THE ORLANDO SERVICE CENTER WITHIN ONE (1) YEAR OF BOARD APPROVAL. THE REVISED TRI-PARTY AGREEMENT SHALL INCLUDE A PROVISION WHICH STIPULATES: SHOULD THE FGFWFC EVER BE UNABLE OR UNWILLING TO PERFORM MANAGEMENT OF THE SITE, ALL FUNDS REMAINING IN THE TRUST FOR LONGTERM MANAGEMENT, AS WELL AS ANY FUTURE PROCEEDS TO BE RECEIVED FROM THE SALE OF CREDITS, SHALL BE TURNED OVER TO ORANGE COUNTY.
7. SHOULD THE LONGTERM MANAGEMENT FUNDS EVER BE TURNED OVER TO ORANGE COUNTY, THE COUNTY WILL ESTABLISH A TRUST FUND, THE PRINCIPAL AND INTEREST OF WHICH WILL BE USED TO FINANCE LONGTERM MANAGEMENT OF THE SITE.
8. SHOULD THE FGFWFC EVER CEASE MANAGING THE SITE, RESPONSIBILITY FOR ITS MANAGEMENT, ACCORDING TO THE TERMS SET OUT IN THE APPLICATION SUBMITTAL, WILL REVERT TO ORANGE COUNTY.

SPECIAL CONDITIONS (Continued)

9. (A) NO LATER THAN 30 DAYS AFTER ISSUANCE OF A CONSTRUCTION PERMIT, THE PERMITTEE SHALL SUBMIT TO THE DISTRICT, FOR REVIEW AND APPROVAL IN ACCORDANCE WITH EXHIBIT 6, TWO (2) COPIES OF THE FOLLOWING:
 1. SITE MAP OF CONSERVATION AREA
 2. LEGAL DESCRIPTION OF CONSERVATION AREA
 3. SURVEY BY PROFESSIONAL LAND SURVEYOR OF CONSERVATION AREA
 4. TITLE INSURANCE COMMITMENT/POLICY
 5. APPRAISAL OF PROPERTY
- (B) WITHIN 30 DAYS OF DISTRICT APPROVAL OF THE ABOVE LISTED ITEMS, THE PERMITTEE SHALL RECORD A CONSERVATION EASEMENT ON THE REAL PROPERTY AND SUBMIT TWO (2) CERTIFIED COPIES TO THE DISTRICT. THE CONSERVATION EASEMENT SHALL BE GRANTED TO THE DISTRICT AND SHALL CONTAIN THE ACTIVITY RESTRICTIONS SET FORTH SECTION 704.06(1) F.S. THE RECORDED CONSERVATION EASEMENT SHALL BE IN CONFORMANCE WITH THE DRAFT CONSERVATION EASEMENT ATTACHED AS EXHIBIT 6. ANY AMENDMENTS TO THE CONSERVATION EASEMENT MUST BE APPROVED BY THE DISTRICT.
10. ANY REVISIONS OF THE TR-PARTY AGREEMENT WILL REQUIRE MODIFICATION TO THIS PERMIT. THE REVISION REQUIRED UNDER SPECIAL CONDITION #6, ABOVE, MAY BE SUBMITTED AS A LETTER MODIFICATION TO THIS PERMIT.

SCANNED 07-24-2007 10

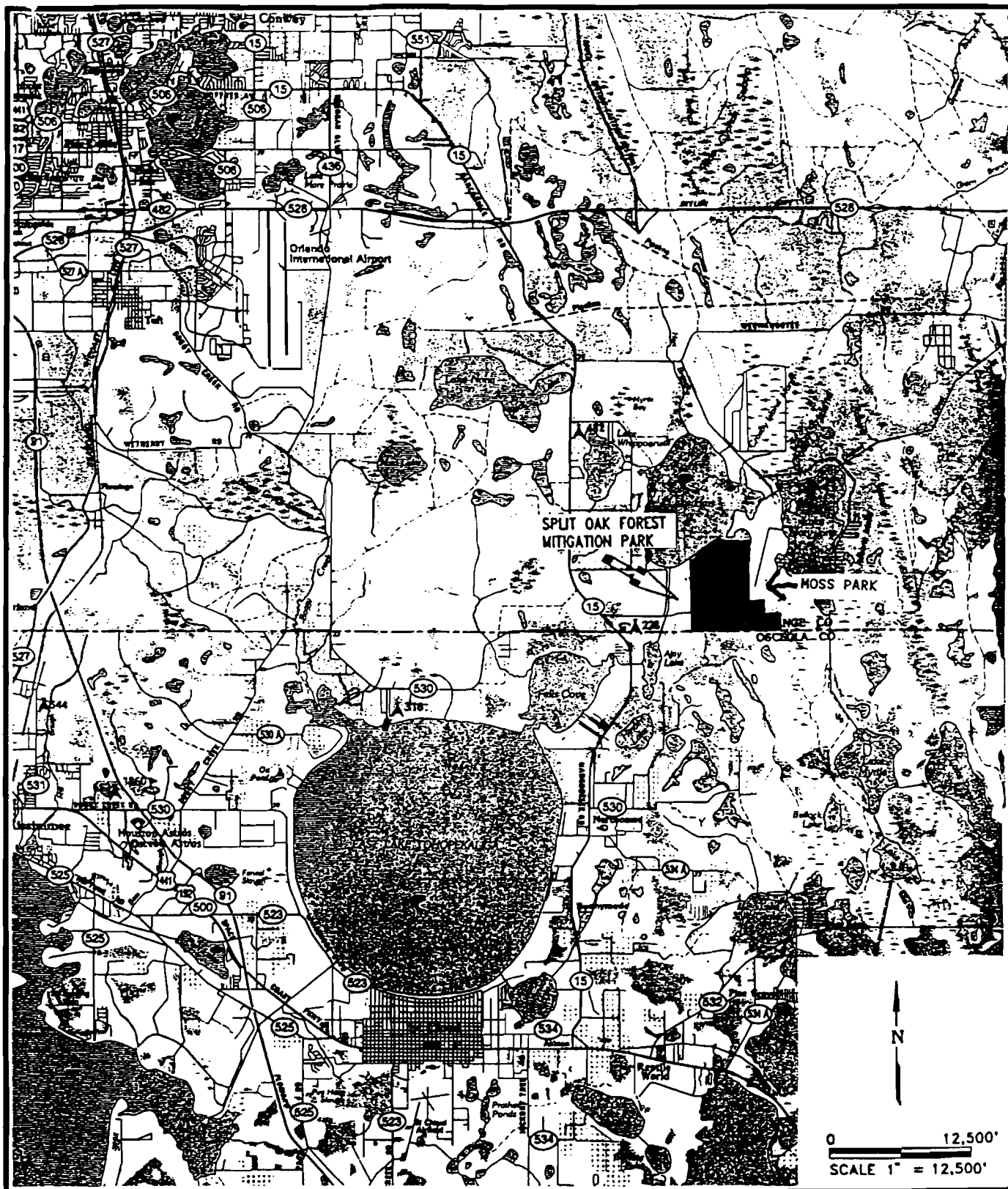


FIGURE 1.1-1. VICINITY OF THE SPLIT OAK FOREST MITIGATION PARK
ORANGE COUNTY, FLORIDA.

EXHIBIT I

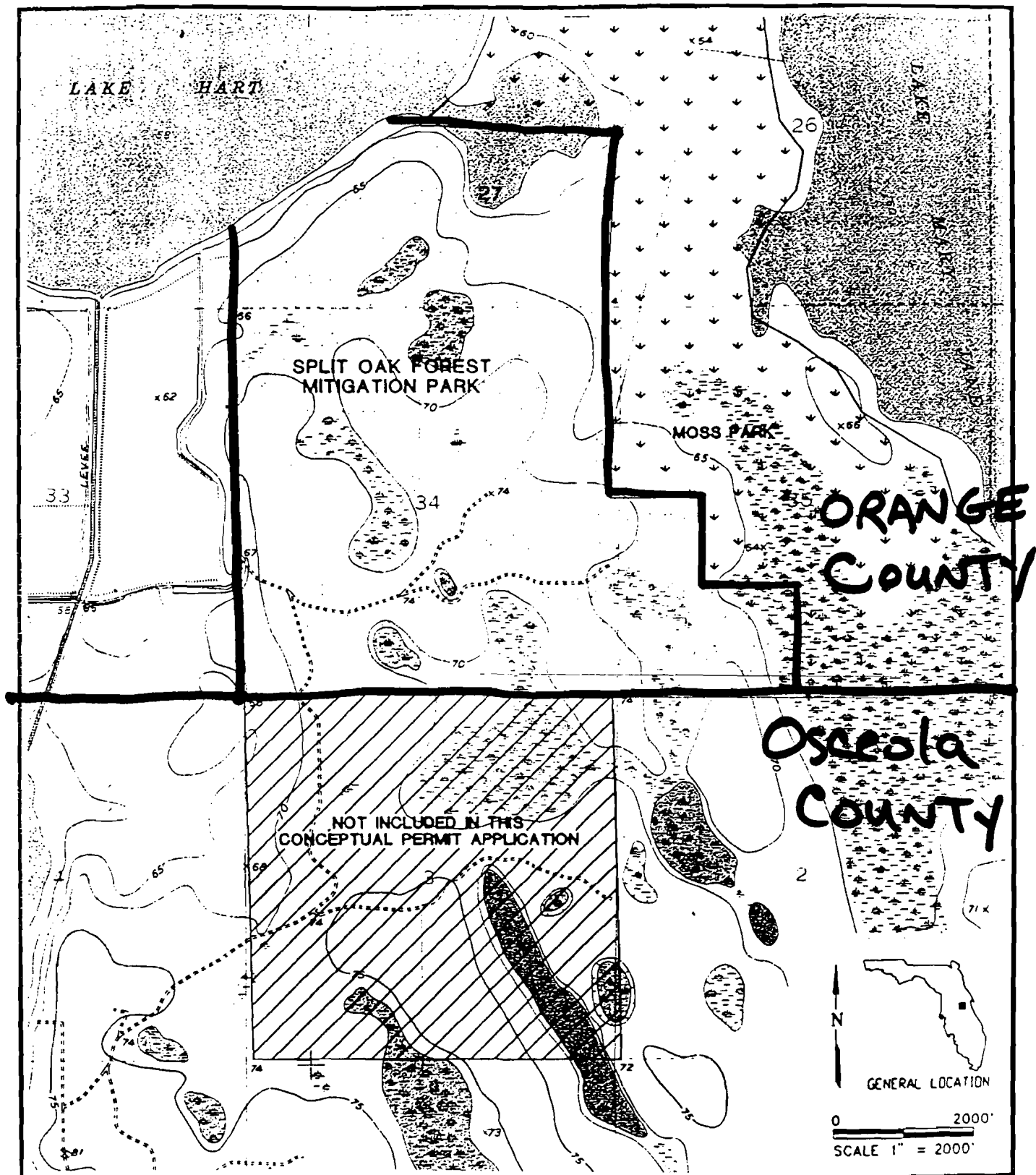
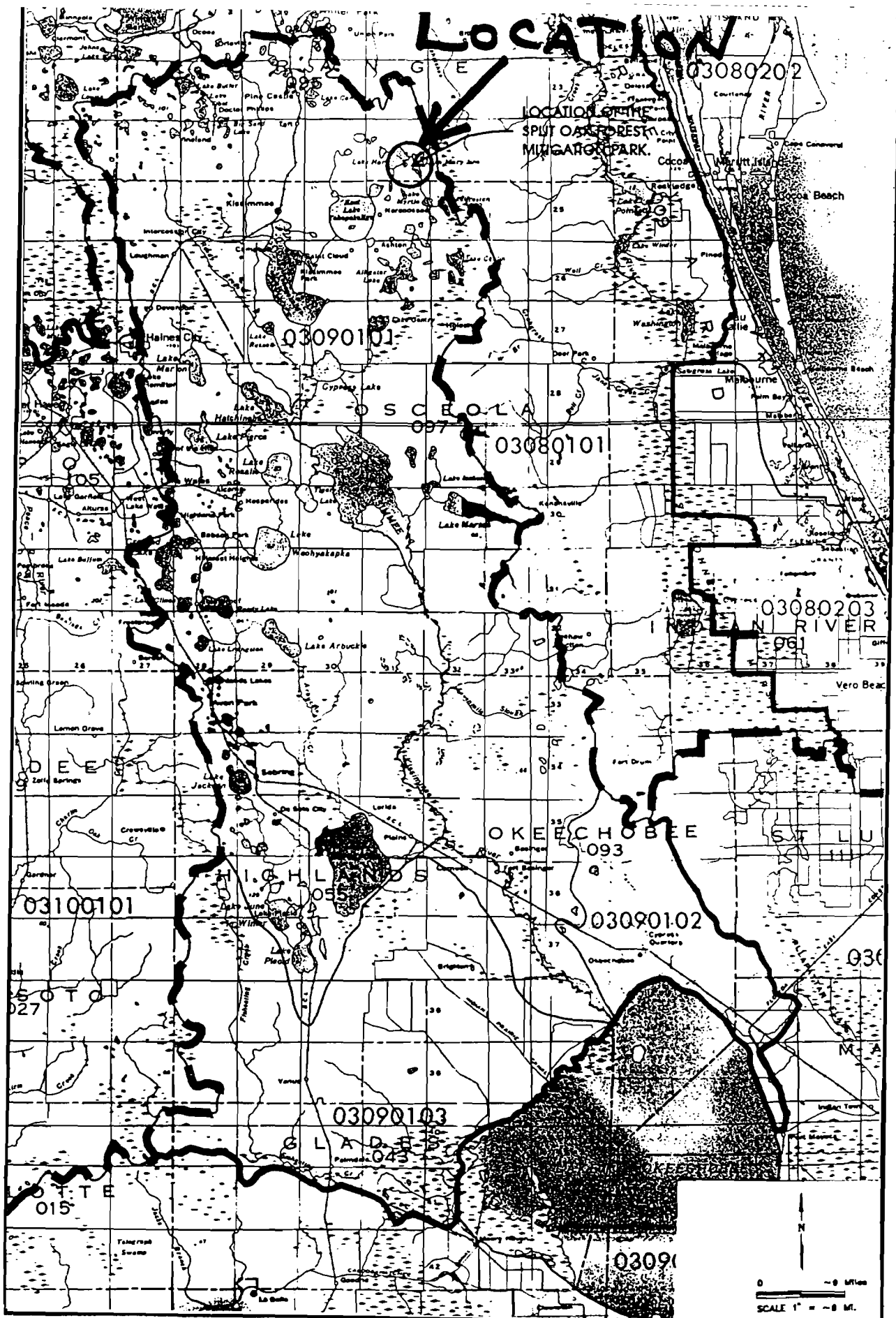


FIGURE 1 1-2. LOCATION OF THE SPLIT OAK FOREST MITIGATION PARK,
ORANGE AND OSCEOLA COUNTIES, FLORIDA.

EXHIBIT 2



TAKEN FROM U.S. DEPT. OF INTERIOR
HYDROLOGIC UNIT MAP - 1974.

BREEDLOVE, DENNIS & ASSOCIATES, INC.
94198-301/ REGIONLS.DWG
01-19-95/BAM

EXHIBIT 3

FIGURE 2.4-2. MAJOR DRAINAGE BASIN BOUNDARIES IN THE VICINITY OF THE SPLIT OAK FOREST MITIGATION PARK, ORANGE COUNTY, FLORIDA.

LEGEND

LEVEL 4		
200	2110 IMPROVED PASTURE -	15.07
	2121 UNIMPROVED PASTURE -	9.71
300	3100 HERBACEOUS RANGELAND -	2.28
	3102 HERBACEOUS - 26-50% ground cover	0.34
	3103 HERBACEOUS - 51-75% ground cover	1.15
	3104 HERBACEOUS - greater than 75% ground cover	5.52
	3201 SHRUB AND BRUSHLAND - less than 25% cover	1.40
	3202 SHRUB AND BRUSHLAND - 26-50% cover	16.67
	3203 SHRUB AND BRUSHLAND - 51-75% cover	25.98
	3204 SHRUB AND BRUSHLAND - greater than 75% cover	13.07
	3211 PALMETTO PRAIRIE - less than 25% cover	1.57
	3212 PALMETTO PRAIRIE - 26-50% cover	6.02
	3213 PALMETTO PRAIRIE - 51-75% cover	12.13
	3214 PALMETTO PRAIRIE - greater than 75% cover	36.55
	3304 MIXED RANGELAND	1.16
400	4111 PINE FLATWOODS - 10-30% crown closure	34.44
	4112 PINE FLATWOODS - 31-50% crown closure	14.65
	4113 PINE FLATWOODS - 51-70% crown closure	10.67
	4114 PINE FLATWOODS - greater than 70% crown closure	40.02
	4121 LONGLEAF PINE / XERIC OAK - 10-30% crown closure	17.85
	4122 LONGLEAF PINE / XERIC OAK - 31-50% crown closure	7.75
	4123 LONGLEAF PINE / XERIC OAK - 51-70% crown closure	14.13
	4124 LONGLEAF PINE / XERIC OAK - greater than 70% crown closure	17.56
	4125 LONGLEAF PINE / XERIC OAK - cleared for pasture, regenerating w/ scrub vegetation	26.23
	4211 XERIC OAK - 10-30% crown closure	0.74
	4214 XERIC OAK - greater than 70% crown closure	256.51
	4273 LIVE OAK HAMMOCK - 51-70% crown closure	1.56
	4274 LIVE OAK HAMMOCK - greater than 70% crown closure	6.05
	4311 BEECH - MAGNOLIA	0.36
	4321 SAND LIVE OAK	0.76
	4341 HARDWOOD - CONIFER MIXED - 10-30% crown closure	7.40
	4342 HARDWOOD - CONIFER MIXED - 31-50% crown closure	4.82
	4343 HARDWOOD - CONIFER MIXED - 51-70% crown closure	11.74
	4344 HARDWOOD - CONIFER MIXED - greater than 70% crown closure	107.46
	4384 MIXED HARDWOODS - greater than 70% crown closure	1.24
	4394 LIVE OAK / CYPRESS - greater than 70% crown closure	0.71
500	5340 ARTIFICIAL RESERVOIRS -	23.76
600	6102 WETLAND HARDWOOD FORESTS - 31-50% crown closure	0.40
	6103 WETLAND HARDWOOD FORESTS - 51-70% crown closure	1.05
	6111 BAY SWAMPS	1.03
	6181 SHRUB WETLAND - 10-30% crown closure	6.65
	6182 SHRUB WETLAND - 31-50% crown closure	5.19
	6183 SHRUB WETLAND - 51-70% crown closure	11.05
	6184 SHRUB WETLAND - greater than 70% crown closure	14.81
	6200 WETLAND CONIFEROUS FORESTS	1.84
	6201 WETLAND CONIFEROUS FORESTS - 10-30% crown closure	0.92
	6202 WETLAND CONIFEROUS FORESTS - 31-50% crown closure	3.34
	6203 WETLAND CONIFEROUS FORESTS - 51-70% crown closure	1.33
	6204 WETLAND CONIFEROUS FORESTS - greater than 70% crown closure	20.16
	6211 CYPRESS WETLAND - 10-30% crown closure	2.62
	6212 CYPRESS WETLAND - 31-50% crown closure	0.86
	6213 CYPRESS WETLAND - 51-70% crown closure	1.12
	6214 CYPRESS WETLAND - greater than 70% crown closure	38.52
	6224 POND PINE	0.61
	6241 CYPRESS / SLASH PINE WETLAND - 10-30% crown closure	1.51
	6242 CYPRESS / SLASH PINE WETLAND - 31-50% crown closure	0.61
	6243 CYPRESS / SLASH PINE WETLAND - 51-70% crown closure	2.28
	6244 CYPRESS / SLASH PINE WETLAND - greater than 70% crown closure	0.93
	6300 MIXED WETLAND FOREST	4.80
	6301 MIXED WETLAND FOREST - 10-30% crown closure	2.51
	6302 MIXED WETLAND FOREST - 31-50% crown closure	3.38
	6303 MIXED WETLAND FOREST - 51-70% crown closure	5.38
	6304 MIXED WETLAND FOREST - greater than 70% crown closure	74.92
	6411 FRESHWATER MARSH - sawgrass	16.89
	6412 FRESHWATER MARSH - mixed vegetation	9.32
	6431 WET PRAIRIE - seasonally inundated	5.40
	6432 WET PRAIRIE - drained	2.42
700	7431 SPOIL AREAS - 10-30% crown closure	31.08
	7432 SPOIL AREAS - 31-50% crown closure	12.03
	7433 SPOIL AREAS - 51-70% crown closure	6.33
	7434 SPOIL AREAS - greater than 70% crown closure	2.96

Total 1049.26 AC.

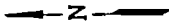
Edited from 02-27-95 drawing by ETB

BREEDLOVE, DENNIS AND ASSOCIATES, INC.
94196-30.1 / LEGEND.DWG
XREF: NONE
05-09-95 / BAW

FIGURE 1.1-3 (CONT'D.)

EXHIBIT 4B

ORANGE COUNTY
FLORIDA



NOT TO SCALE

■ CORRIDORS

SPLIT OAK FOREST
MITIGATION PARK



ORANGE COUNTY PLANNING DEPARTMENT

BREEDLOVE, DENNIS AND ASSOCIATES, INC.
94196-30.1 / TEMPLTS.DWG
02-22-95 / BAM

FIGURE 2.2-1. POTENTIAL WILDLIFE/OPEN SPACE/RECREATION CORRIDORS.

EXHIBIT

5

DEED OF CONSERVATION EASEMENT

THIS DEED OF CONSERVATION EASEMENT is given this _____ day of _____, 19__, by ORANGE COUNTY, a political subdivision of the State of Florida whose mailing address is 201 South Rosalind Ave, Orlando, Florida 32801, and who is the GRANTOR to the South Florida Water Management District ("GRANTEE").

'WITNESSETH

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

WHEREAS, the Grantor desires to construct the expansion of the Orange County Convention Center ("Project") at a site in Orange County, which Project in its several phases will impact wetlands under the regulatory jurisdiction of South Florida Water Management District ("District"); and

WHEREAS, District Surface Water Management and Wetlands Resources Permit No. 48-00055-S ("SWM or WR Permit No.") authorize such impacts to wetlands on the Project site; and

WHEREAS, SWM and WR Permit No. 48-00055-S require the Grantor provide compensation and/or mitigation for impacts to wetlands under the District's jurisdiction occurring on the Project site within Orange County; and

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

WHEREAS, the Grantor, Osceola County, Florida Game and Freshwater Fish Commission and the Florida Communities Trust have approved the Split Oak Forest Mitigation Park Management Plan, Interagency Agreement, Conceptual Approval Agreement and Grant Award Agreement and which documents are collectively referred to as "Governing Documents", the terms of which control the management and use of the Property and are hereby incorporated herein by reference; and

EXHIBIT 6A

WHEREAS, the Grantor, in consideration of the consent granted by SWM and WR Permit No. 48-00055-S, is agreeable to granting and securing to the Grantee the enforcement of a perpetual conservation easement as defined in Section 704.06, Florida Statutes, over the Property.

NOW, THEREFORE, in consideration of the issuance of SWM and WR Permit No. 48-00055-S to construct and operate the Project, Grantor hereby grants creates, and establishes a perpetual conservation easement for the Grantee upon the Property which shall run with the land and be binding upon the Grantor, its successors and assigns, and remain in full force and effect forever.

The scope, nature, and character of this conservation easement shall be as follows:

1. It is the purpose of the conservation easement to ensure that no activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, wetlands or fish and wildlife habitat preservation are undertaken on this Property. To carry out this purpose, the following rights are conveyed to Grantee by this easement:

(a) To enter upon the Property at reasonable times to enforce the rights herein granted upon prior notice to Grantor, Successors, or assigns, in a manner that will not unreasonably interfere with the uses and management, as contemplated by the Governing Documents, of the Property by Grantor, successor or assigns at the time of such entry; and

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

2. Except as provided herein, the following activities are prohibited in or on the Property:

(a) Construction or placing of buildings, roads, signs, billboards or other advertising, utilities, or other structures, on or above ground, except for the following:

- i. interpretive signs along hiking trails;
- ii. sanitary facilities typically located in primitive campgrounds which have received prior written approval by the District;
- iii. other structures which receive prior written approval by the District.

EXHIBIT 6B

SCANNED TO PDF BY 600271020

(c) Dumping or placing of soil or other substance or material as landfill, or dumping or placing of trash, waste, or unsightly or offensive materials;

(d) Excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other material substance in such manner as to affect the surface unless the excavation dredging, or removal is approved by the District as part of a mitigation bank permit for restoration, enhancement or creation of native vegetative communities;

(e) Surface use except for purposes that permit the land or water area to remain predominantly in its natural condition and are consistent with the uses contemplated in the Governing Documents, and which receive prior District approval;

(f) Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation;

(g) Acts or uses detrimental to such retention of land or water areas.

3. Grantor reserves to itself, its successors and assigns, all rights as owner of the Property, including the right to engage in uses of the Property that are not prohibited herein and permitted by the Governing Documents. Additionally, Grantor reserves to itself, its successors and assigns, all rights to the following uses and practices:

(a) Works and practices as may be required to restore wetland hydroperiod and other wetland functions consistent with the Governing Documents, as long as such works and practices have received prior written approval from the District;

(b) Works and practices as may be required to maintain and enhance wildlife and plant communities consistent with the Governing Documents, as long as such works and practices have received prior written approval from the District;

(c) Stormwater discharge facilities, permitted under the District's regulatory program or its successor, which do not materially affect existing grade;

(d) Passive recreational uses, such as boardwalks, footpaths, docks and gazebos, which are permitted by the Governing Documents and which receive prior written approval from the Director of the District's surface water management program or its successor.

EXHIBIT 6C

4. No right of access by the general public to any portion of the Property is conveyed by this conservation easement except that access contemplated by the Governing Documents. The Florida Game and Freshwater Fish Commission is specifically permitted to enter the Property to control and regulate use, perform habitat management activities in a manner consistent with the Governing Documents and this conservation easement, to enjoin any activity on or use of the Property inconsistent with the Governing Documents and to enforce the restoration of such areas that may be damaged by any inconsistent activity.

5. Grantor or its assigns shall bear all costs of any kind related to the operation, upkeep and maintenance of the Property and does hereby indemnify and hold Grantee harmless therefrom.

6. Grantor or its assigns shall pay any and all real property taxes and assessments levied by competent authority on the Property.

7. Any attorneys fees or other costs arising out of the enforcement, judicially or otherwise, of the terms and restrictions of this conservation easement shall be recoverable by the prevailing party.

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

9. Grantee will hold this conservation easement exclusively for conservation purposes. Grantee shall not assign its rights and obligations under this conservation easement without prior written consent of the Grantor or its successors and except to another organization qualified to hold such interests under the applicable state and federal laws and committed to holding this easement exclusively for conservation purposes.

10. If any provision of this conservation easement or the application thereof to any person or circumstances is found to be invalid, the remainder of the provisions of this conservation easement and the applications of such provision to persons or

EXHIBIT 60

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circumstances other than those as to which it is found to be invalid shall not be affected thereby, as long as the purpose of the conservation easement is preserved.

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

12. The terms, conditions, restrictions and purposes of this conservation easement shall be inserted by Grantor in any subsequent deed or other legal instrument by which Grantor in any subsequent deed or other legal instrument by which Grantor divests itself of any interest in the Property. Any future purchaser of the Grantor's interest in the Property shall be notified in writing by Grantor of this conservation easement.

13. This conservation easement may be amended, altered, released or revoked only by written agreement between the parties hereto or their assigns or successors-in-interest, which shall be filed in the public records in the appropriate county.

14. Grantor hereby covenants with said Grantee that Grantor is lawfully seized of said property in fee simple; that Grantor has good right and lawful authority to convey this conservation easement; and that it hereby ~~fully warrants and defends the title to~~ the conservation easement hereby conveyed against the lawful claims of all persons whomsoever.

TO HAVE AND TO HOLD unto Grantee, its successors and assigns forever. The covenants, terms, conditions, restrictions and purposes imposed with this conservation easement shall not only be binding upon Grantor, but also its agents, assigns and all other successors to it in interest, and shall continue as a servitude running in perpetuity with the Property.

IN WITNESS THEREOF, ORANGE COUNTY has hereunto set its authorized hand this
_____ day of _____, 199__.

ORANGE COUNTY

BY: _____
Linda W. Chapin
County Chairman

DATE: _____

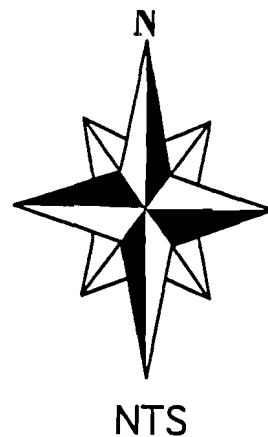
For the Use and Reliance of Orange County Only
Approved as to Form

BY: _____

DATE: _____

EXHIBIT 6F

Lake Hart



Orange County

Osceola County

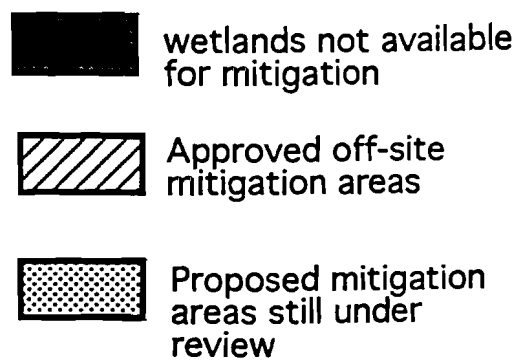
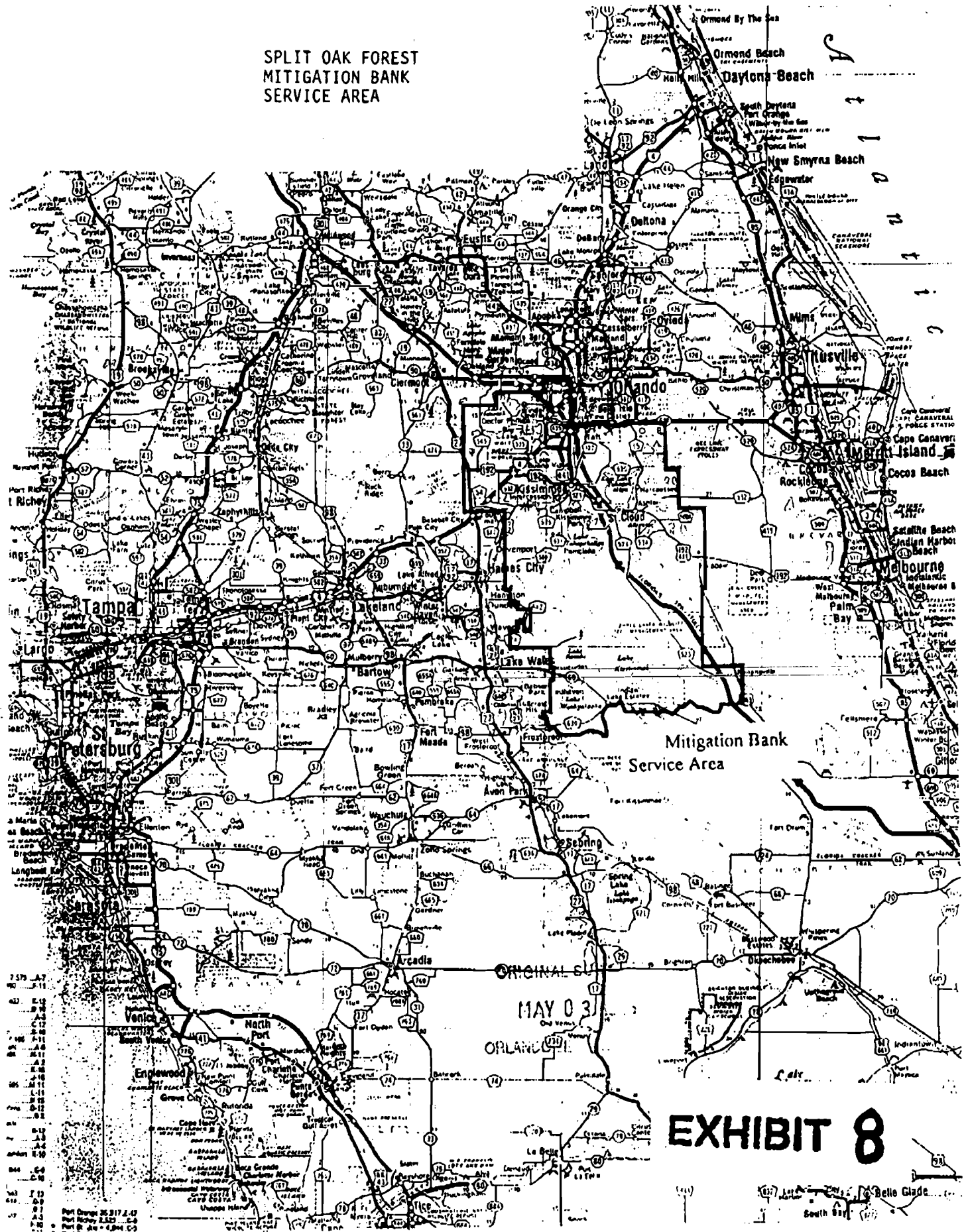


EXHIBIT 7

Figure 1- Mitigation at Split Oak Forest Mitigation Park as of September, 1995

SPLIT OAK FOREST
MITIGATION BANK
SERVICE AREA



STAFF REPORT DISTRIBUTION LIST

PROJECT: Split Oak Forest Mitigation Bank, Orange County
APPLICATION NUMBER: 950306-3

INTERNAL DISTRIBUTION:

Reviewer:

X Susan C. Elfers
X Edward C. Yaun
X Robert G. Robbins
D. Goss
Robert Brown
X T. Bates
X B. Colavecchio
X Area Engineer
X Enforcement
X Field Representative
X Office of Counsel
X Permit File
X Day File
X Right-of-Way Division
X Surface Water Mgmt Division
X A. Waterhouse
B. Pratt
X E. J. Edmundson
X D. Medellin
X M. Ady
X Linda Ross, CDM
X Blair Little John

GOVERNING BOARD MEMBERS

X Mr. William E. Graham
X Ms. Valerie Boyd
X Mr. Eugene K. Pettis
X Mr. William Hammond
X Ms. Miriam Singer
X Mr. Elizabeth Krant
X Mr. Richard Machek
X Mr. Frank Williamson, Jr.
X Mr. Nathaniel Reed

EXTERNAL DISTRIBUTION:

X Applicant:
Orange County, Sherry Williams-
Hooper

X Applicant's Consultant:
Breedlove, Dennis & Associates

DEPT. OF ENVIRONMENTAL PROTECTION:

West Palm Beach
Fort Myers
X Orlando
Tallahassee

OTHER

X FGFWFC
Sierra Club
X US Army Corps of Engineers
X US Fish & Wildlife Service
Lake Worth Drainage District
X Fl. Audubon Society

EXHIBIT 9

STAFF REPORT DISTRIBUTION LIST

ADDRESSES:

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4301 Metric Drive
Winter Park, FL 32792

Mike Allen, Project Manager
Florida Game and Fresh Water Fish Commission
620 South Meridian Street
Tallahassee, FL 32399