PERMIT:  DEERFIELD LAND CORPORATION
(DOE CORP CONTR-HELMET IMPACTS & PARCELS 3.19521 POND CONSTR)
14901 SOUTH ORANGE BLOSSOM TRAIL,
ORLANDO, FL 32837

ORIGINAL PERMIT ISSUED:  FEBRUARY 15, 1990

ORIGINAL PROJECT DESCRIPTION:  OPERATION OF A WATER MANAGEMENT SYSTEM SERVING 126.7 ACRES OF COMMERCIAL LANDS DISCHARGING INTO LAKE TOHOPEKALIGA VIA MILL CREEK SLough OR SHINGLE CREEK.

APPROVED MODIFICATION:  AUTHORIZATION FOR THE CONSTRUCTION AND OPERATION OF A 0.69 ACRE PORTION OF THE SURFACE WATER MANAGEMENT SYSTEM TO SERVE FUTURE DEVELOPMENT AREAS AND PROVIDE STORAGE TO REPLACE THE STORAGE PROVIDED BY THE 7.59 ACRES OF WETLANDS BEING REMOVED AND FILLED WITH THIS AUTHORIZATION. MASS GRADING OF 35.20 ACRES OF THE FUTURE DEVELOPMENT AREA AND PRESERVATION OF 57.83 ACRES ARE TO LAKE TOHOPEKALIGA VIA MILL CREEK SLough OR SHINGLE CREEK.

PROJECT LOCATION:  OSCEOLA COUNTY, FL

SECTION 3.4 TWP 25S RGE 29E

PERMIT DURATION:  Five years from the date issued to complete construction of the surface water management system as authorized herein. See attached Rule 406-4.321, Florida Administrative Code.

This Permit Modification is approved pursuant to Application No. R70180-1, dated July 17, 1990. Permittee agrees to hold and save the South Florida Water Management District and its successors harmless from any and all losses, claims or liabilities which may arise by reason of the construction, operation, maintenance or use of any activities authorized by this Permit. This Permit is issued under the provisions of Subsections 373.414(11)-(14), Florida Statutes (F.S.), and the Operating Agreement Concerning Regulation Under Part IV, Chapter 373 P.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 301, Public Law 92-580, 23 USC Section 1334, unless this Permit is issued pursuant to the wetland preservation provisions of Subsections 373.414(11)(B), F.S., or as otherwise stated herein.

This Permit Modification may be revoked, suspended, or modified at any time pursuant to the appropriate provisions of Chapter 373, P.S., and Sections 406-4.321(1), (2), and (31), Florida Administrative Code (F.A.C.).

This Permit Modification may be transferred pursuant to the appropriate provisions of Chapter 373, P.S., and Sections 406-4.321(1) and (2), and 406-4.321(3), (4), and (5), F.A.C.

All specifications and special and limiting/general conditions attendant to the original Permit, unless specifically rescinded by this or previous modifications, remain in effect.

This Permit Modification shall be subject to the General conditions set forth in Rule 406-4.321, 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 Modification. All activities authorized by this Permit Modification 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, P.S., and Sections 406-4.321 and 406-4.321, 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 406-4.3207, F.A.C.

SPECIAL AND LIMITING CONDITIONS ARE AS FOLLOWS:

See Pages 2-4 of 6 - 25 SPECIAL CONDITIONS.
See Pages 5-6 of 6 - 19 LIMITING CONDITIONS.

PERMIT MODIFICATION APPROVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT

FILLING WITH THE CLERK OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Original signed by:  TONY BURNS
ASSISTANT SECRETARY

Original signed by:  Vern Kaiser
DEPUTY CLERK
SURFACE WATER MANAGEMENT  

CHAPTER 40E-4 (4/94)

40E-4.321  Duration of Permits

(1) Unless revoked or otherwise modified pursuant to Rules 40E-4.331 and 40E-4.441, F.A.C., the duration of a surface water management permit issued under this chapter is as follows:

(a) Two years from the date of issuance for Conceptual Approval, unless within that period an application for a construction and operation permit is filed for any portion of the project. If an application for a construction and operation permit is filed, then the Conceptual Approval remains valid until final action is taken on the application. If the application is granted, then the Conceptual Approval is valid for an additional two years from the date of issuance of the construction and operation permit. Conceptual Approvals which have no applications for construction and operation filed for a period of two years will expire automatically.

(b) Five years from the date of issuance for a construction permit.

(c) Perpetual for an operation permit.

(2) The Governing Board shall issue permit extensions provided that a permittee files a written request with the District showing good cause. 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.

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

(a) the effective date of the local government's comprehensive plan amendment,

(b) the effective date of the local government development order, or

(c) the date on which the District issues the Conceptual Approval, or

(d) the latest date of the resolution of any Chapter 120 or other legal appeals.

(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 reasonably expected to lead to substantially different water resource or environmental impacts which require a detailed review.

(5) Modifications to construction permits issued pursuant to a formal permit application extend the duration of the permit for three years from the date of issuance of the modification. Construction 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.

Specific authority 373.044, 373.113 F.S. Law Implemented 373.413, 373.416(1) 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.
SPECIAL CONDITIONS

1. DISCHARGE FACILITIES:

   BASIN: BASIN 800:
   1-2.5' WIDE BROAD CRESTED WEIR WITH CREST AT ELEV. 85.25' NGVD.
   1-38' DIA. CIRCULAR ORIFICE WITH INVERT AT ELEV. 83' NGVD.
   RECEIVING BODY: EXISTING WETLAND
   CONTROL ELEV.: 83 FEET NGVD. / 83 FEET NGVD DRY SEASON.

   BASIN: BASIN 901:
   2-2.5' WIDE RECTANGULAR NOTCH WEIRS WITH CREST AT ELEV. 83.74' NGVD.
   2-4' WIDE RECTANGULAR NOTCH WEIRS WITH CREST AT ELEV. 83.74' NGVD.
   1-38' DIA. CIRCULAR ORIFICE WITH INVERT AT ELEV. 83' NGVD.
   40 LF OF 3.12' WIDE X 2' HIGH ELLIPTICAL CULVERT.
   RECEIVING BODY: EXISTING WETLAND
   CONTROL ELEV.: 83 FEET NGVD. / 83 FEET NGVD DRY SEASON.

   BASIN: BASIN 904:
   2-2.5' WIDE RECTANGULAR NOTCH WEIRS WITH CREST AT ELEV. 83.99' NGVD.
   2-4' WIDE RECTANGULAR NOTCH WEIRS WITH CREST AT ELEV. 83.99' NGVD.
   1-42' DIA. CIRCULAR ORIFICE WITH INVERT AT ELEV. 83' NGVD.
   40 LF OF 2.5' DIA. RCP CULVERT.
   RECEIVING BODY: EXISTING WETLAND
   CONTROL ELEV.: 83 FEET NGVD. / 83 FEET NGVD DRY SEASON.

2. THE PERMITTEE SHALL BE RESPONSIBLE FOR THE CORRECTION OF ANY EROSION, SEDIMENTATION, OR WATER QUALITY PROBLEMS THAT RESULT FROM THE CONSTRUCTION OR OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM.

3. MEASURES SHALL BE TAKEN DURING CONSTRUCTION TO INSURE THAT SEDIMENTATION AND/OR TURBIDITY PROBLEMS ARE NOT CREATED IN THE RECEIVING WATER.

4. 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.

5. LAKE SIDE SLOPES SHALL BE NO STEEPER THAN 4:1 (HORIZONTAL:VERTICAL) TO A DEPTH OF TWO FEET BELOW THE CONTROL ELEVATION. SIDE SLOPES SHALL BE NURTURED OR PLANTED FROM 2 FEET BELOW TO 1 FOOT ABOVE CONTROL ELEVATION TO INSURE VEGETATIVE GROWTH.

6. FACILITIES OTHER THAN THOSE STATED HEREIN SHALL NOT BE CONSTRUCTED WITHOUT AN APPROVED MODIFICATION OF THIS PERMIT.

7. ALL SPECIAL CONDITIONS PREVIOUSLY STIPULATED BY PERMIT NUMBER 49-00477-S REMAIN IN EFFECT UNLESS OTHERWISE REVISED AND SHALL APPLY TO THIS MODIFICATION.

8. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION OF FUTURE PHASES, PAVING, GRADING, AND DRAINAGE PLANS SHALL BE SUBMITTED TO THE DISTRICT FOR PERMIT MODIFICATIONS.


10. SILT SCREENS, HAY BALES, OR OTHER SUCH SEDIMENT CONTROL MEASURES SHALL BE UTILIZED DURING CONSTRUCTION. THE SELECTED SEDIMENT CONTROL MEASURES SHALL BE INSTALLED LANDWARD OF THE UPLAND BUFFER ZONES AROUND ALL PROTECTED WETLANDS. ALL AREAS SHALL BE STABILIZED AND VEGETATED IMMEDIATELY AFTER CONSTRUCTION TO PREVENT EROSION INTO THE WETLANDS AND UPLAND BUFFER ZONES.

11. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE PERIMETER OF THE PROTECTED WETLANDS AND BUFFER ZONES SHALL BE STAKED AND BORED TO PREVENT ENCROACHMENT INTO THE WETLANDS. THE PERMITTEE SHALL NOTIFY THE SFMD’S ENVIRONMENTAL COMPLIANCE STAFF IN WRITING UPON COMPLETION OF ROPING AND STAKING AND SCHEDULE AN INSPECTION OF THIS WORK. THE ROPING AND STAKING SHALL BE SUBJECT TO SFMD STAFF APPROVAL. THE PERMITTEE SHALL MODIFY THE STAKING AND ROPING IF SFMD STAFF DETERMINES IT IS
INSUFFICIENT OR IS NOT IN CONFORMANCE WITH THE INTENT OF THIS PERMIT, STAKING AND ROPING SHALL REMAIN IN PLACE UNTIL ALL ADJACENT CONSTRUCTION ACTIVITIES ARE COMPLETE.

12. THE SFWM RESERVES THE RIGHT TO REQUIRE REMEDIAL MEASURES TO BE TAKEN BY THE PERMITTEE IF WETLAND AND/OR UPLAND MONITORING OR OTHER INFORMATION DEMONSTRATES THAT INADVERTENT IMPACTS TO PROTECTED, INCORPORATED OR MITIGATED WETLANDS OR UPLANDS HAVE OCCURRED DUE TO PROJECT RELATED ACTIVITIES.

13. ANY FUTURE CHANGES IN LAND USE OR TREATMENT OF WETLANDS AND/OR UPLAND BUFFER/COMPENSATION AREAS MAY REQUIRE A SURFACE WATER MANAGEMENT PERMIT MODIFICATION AND ADDITIONAL ENVIRONMENTAL REVIEW BY DISTRICT STAFF PRIOR TO THE PERMITTEE INITIATING ANY未來 CHANGES NOT AUTHORIZED BY THIS PERMIT. THE PERMITTEE SHALL NOTIFY THE SFWM OF SUCH INTENTIONS FOR A DETERMINATION OF ANY NECESSARY PERMIT MODIFICATIONS.

14. A WETLAND MONITORING PROGRAM SHALL BE IMPLEMENTED WITHIN THE PROTECTED WETLANDS AND UPLANDS AND DETENTION AREAS. MONITORING SHALL BE CONDUCTED IN ACCORDANCE WITH EXHIBIT(S) 33N-33O AND SHALL INCLUDE ANNUAL REPORTS SUBMITTED TO THE SFWM FOR REVIEW. MONITORING SHALL CONTINUE FOR A PERIOD OF 7 YEARS.

15. THE WETLAND CONSERVATION AREAS AND UPLAND BUFFER ZONES AND/OR UPLAND PRESERVATION AREAS SHOWN ON EXHIBIT(S) 3-18, 21-32, AND 34 MAY IN NO WAY BE ALTERED FROM THEIR NATURAL STATE. ACTIVITIES PROHIBITED WITHIN THE CONSERVATION AREAS INCLUDE BUT ARE NOT LIMITED TO: CONSTRUCTION OR PLACING OF BUILDINGS OR ANY OTHER SUBSTANCES SUCH AS TRASH; REMOVAL, DESTRUCTION OF TREES, SHRUBS, OR OTHER VEGETATION – WITH THE EXCEPTION OF EXOTIC/NUISANCE VEGETATION REMOVAL; EXCAVATION, DREDGING, OR REMOVAL OF SOIL MATERIAL; DIGGING OR FENCING; ANY OTHER ACTIVITIES DETRIMENTAL TO DRAINAGE; FLOOD CONTROL, WATER CONSERVATION, EROSION CONTROL, OR FISH AND WILDLIFE HABITAT CONSERVATION OR PRESERVATION.

16. WETLAND PRESERVATION/MITIGATION AREAS, UPLAND BUFFER ZONES AND/OR UPLAND PRESERVATION AREAS SHALL BE DEEMED AS CONSERVATION AND COMMON AREAS IN THE CONSERVATION EASEMENT PLAT AS WELL AS ON THE PLAT IF THE PROJECT WILL BE PLATTED. RESTRICTIONS FOR USE OF THE CONSERVATION/COMMON AREAS SHALL STIPULATE:

THE WETLAND PRESERVATION/MITIGATION AREAS, UPLAND BUFFER ZONES, AND/OR UPLAND PRESERVATION AREAS ARE HEREBY DEEMED AS CONSERVATION AND COMMON AREAS. THE CONSERVATION/COMMON AREAS SHALL BE THE PERPETUAL RESPONSIBILITY OF MASTER ASSOCIATION AND MAY IN NO WAY BE ALTERED FROM THEIR NATURAL STATE AS DOCUMENTED IN EXHIBITS 3-18, 21-32 AND 34. ACTIVITIES PROHIBITED WITHIN THE CONSERVATION AREAS INCLUDE, BUT ARE NOT LIMITED TO: CONSTRUCTION OR PLACING OF BUILDINGS OR OTHER SUBSTANCES SUCH AS TRASH; REMOVAL, DESTRUCTION OF TREES, SHRUBS, OR OTHER VEGETATION – WITH THE EXCEPTION OF EXOTIC/NUISANCE VEGETATION REMOVAL; EXCAVATION, DREDGING, OR REMOVAL OF SOIL MATERIAL; DIGGING OR FENCING; ANY OTHER ACTIVITIES DETRIMENTAL TO DRAINAGE; FLOOD CONTROL, WATER CONSERVATION, EROSION CONTROL, OR FISH AND WILDLIFE HABITAT CONSERVATION OR PRESERVATION.

COPIES OF RECORDED DOCUMENTS SHALL BE SUBMITTED CONCURRENT WITH ENGINEERING CERTIFICATION OF CONSTRUCTION COMPLETION.

17. (A) NO LATER THAN MARCH 30, 1998, THE PERMITTEE SHALL SUBMIT FOR REVIEW AND APPROVAL, TWO (2) COPIES OF THE FOLLOWING:

1. SCALED SURVEY OF CONSERVATION AREA(S) BY PROFESSIONAL LAND SURVEYOR.
2. TITLE INSURANCE COMMITMENT FOR CONSERVATION EASEMENT NAMING DISTRICT AS BENEFICIARY USING APPROVED VALUATION.
3. GIS DISK (WITH STATE PLANE COORDINATES) IF AVAILABLE.

THE ABOVE INFORMATION SHALL BE SUBMITTED TO THE NATURAL RESOURCE MANAGEMENT POST PERMIT COMPLIANCE STAFF IN THE DISTRICT SERVICE CENTER WHERE THE APPLICATION WAS SUBMITTED.

B) THE REAL ESTATE INFORMATION REFERENCED IN PARAGRAPH (A) ABOVE SHALL BE REVIEWED BY THE DISTRICT IN ACCORDANCE WITH THE DISTRICT'S REAL ESTATE REVIEW REQUIREMENTS DESCRIBED IN THE ATTACHED EXHIBIT 20F-20G. THE EASEMENT SHOULD NOT BE RECORDED UNTIL SUCH APPROVAL IS RECEIVED.

C) THE PERMITTEE SHALL RECORD A CONSERVATION EASEMENT(S) OVER THE REAL PROPERTY DESIGNATED AS A CONSERVATION / PRESERVATION / MITIGATION AREA(S) ON ATTACHED EXHIBIT 21A-B. THE EASEMENT SHALL BE GRANTED FREE FROM ENCUMBRANCES OR INTERESTS WHICH THE DISTRICT DETERMINES ARE CONTRARY TO THE INTENT OF THE EASEMENT. THE EASEMENT EASEMENT SHALL BE GRANTED TO THE DISTRICT USING THE APPROVED FORM ATTACHED HERETO AS EXHIBIT 20A-20E. ANY PROPOSED MODIFICATIONS TO THE APPROVED FORM MUST RECEIVE PRIOR WRITTEN CONSENT FROM THE DISTRICT.

E) In the event the Conservation Easement Real Estate Information Reveals Encumbrances or Interests in the easement which the District Determines are Contrary to the Intent of the easement, the Permittee shall be required to provide release or subordination of such encumbrances or interests. If such are not obtained, Permittee shall be required to apply for a modification to the permit for acceptable mitigation.

18. ACTIVITIES ASSOCIATED WITH IMPLEMENTATION OF THE WETLAND MITIGATION, MONITORING AND MAINTENANCE SHALL BE IN ACCORDANCE WITH THE FOLLOWING SCHEDULE. ANY DEVIATION FROM THESE TIME FRAMES SHALL REQUIRE FORMAL SEPARATE APPROVAL. SUCH REQUESTS MUST BE MADE IN WRITING AND SHALL INCLUDE: (1) REASON FOR THE MODIFICATION; (2) PROPOSED START/FINISH DATES; AND (3) PROGRESS REPORT ON THE STATUS OF THE EXISTING MITIGATION EFFORTS.

COMPLETION DATE ACTIVITY
MARCH 30, 1996 FINAL DRAFT MANAGEMENT PLAN WITH A SCHEDULE FOR EACH MITIGATION AREA DUE
MAY 30, 1998 FINAL APPROVED MANAGEMENT PLAN DUE
MAY 30, 2005 COMPLETION OF MITIGATION WORK, GOALS, AND OBJECTIVES OUTLINED IN EXHIBIT 33.

19. ENDANGERED SPECIES, THREATENED SPECIES, OR SPECIES OF SPECIAL CONCERN HAVE BEEN OBSERVED OR KNOWN ON OR NEAR THE PROJECT. IT SHALL BE THE PERMITTEE'S RESPONSIBILITY TO CooperATE WITH THE FLORIDA GAME AND FISH COMMISSION AND/OR THE FEDERAL ENDANGERED SPECIES SERVICE FOR APPROPRIATE GUIDANCE, RECOMMENDATIONS, AND/OR PERMITS TO AVOID IMPACTS TO LISTED SPECIES.

20. A WETLAND MITIGATION PROGRAM SHALL BE IMPLEMENTED IN ACCORDANCE WITH EXHIBITS 21, 33A-330, AND 34. THE PERMITTEE SHALL PROTECT 60.76 ACRES OF UPLAND COMPENSATION AREAS.

21. A MAINTENANCE PLAN SHALL BE SUBMITTED IN ACCORDANCE WITH EXHIBITS 19, 21, 33A-33B AND 34 FOR THE WETLAND PRESERVES. UPLAND BUFFER ZONES AND UPLAND COMPENSATION AREAS ON A REGULAR BASIS TO ENSURE THE INTEGRITY AND VIABILITY OF THE CONSERVATION AREAS AS PERMITTED. MAINTENANCE CAN BE CONDUCTED IN PERIODS IN WHICH THE CONSERVATION AREAS ARE MAINTAINED FREE OF NON-NATURAL VEGETATION SUCH AS BRUSH, WILLOWS, CATTAILS, ETC. AND THAT OTHER INVASIVE SPECIES SHALL CONSTITUTE NO MORE THAN 10 PERCENT OF TOTAL COVER. PRIOR TO TURNING OVER THE MITIGATION AND MAINTENANCE RESPONSIBILITIES TO THE ORGANIZING ENTITY/MASTER ASSOCIATION, THE PERMITTEE SHALL ASSURE FULL RESPONSIBILITY FOR IMPLEMENTATION OF THESE ACTIVITIES.

22. FOLLOWING TECHNICAL INPUT FROM THE NATURE CONSERVANCY AND PRIOR TO MARCH 30, 1998, THE PERMITTEE SHALL SUBMIT A DRAFT FINALIZED MANAGEMENT PLAN FOR DISTRICT STAFF REVIEW WHICH CONTAINS A SCHEDULE FOR PRESCRIBED FIRE OR MECHANICAL TREATMENT METHODS FOR EACH UPLAND MITIGATION AREA.

23. THE PRELIMINARY PLAT DRAWINGS PREPARED BY IVEY, HARRIS & WALLS, INC., CONSISTING OF REPLATS FOR THE OSECOLA CORPORATE CENTER PROPERTY LABELED AS EXHIBITS 22-31 ARE INCORPORATED BY REFERENCE AND WILL BE A PART OF THE PERMIT FILE.

24. EACH FUTURE PHASE OF CONSTRUCTION LOCATED ADJACENT TO ANY MITIGATION/CONSERVATION AREAS SHALL BE ACCOMPANIED BY AN UPDATED UPLAND BUFFER TABLE (CONSISTENT WITH EXHIBIT 32) AND PLAT OR PLAN AMENDMENT (WHERE ENCROACHMENT OCCURS WITHIN THE AVERAGE UPLAND BUFFER ZONE OF A REGIONAL OR NON-REGIONAL WETLAND). UNDER NO CIRCUMSTANCES SHALL THERE BE ENCROACHMENT INTO THE MINIMUM UPLAND BUFFER ZONES OR WETLANDS THAT ARE SUBJECT TO A CONSERVATION EASEMENT. IN THE EVENT THAT A PHASE OF CONSTRUCTION DOES NOT INVOLVE UPLAND BUFFER ZONE ENCROACHMENTS, THEN THE APPLICANT SHALL SUBMIT A RECORDED PLAT OF THE CONSERVATION AREA(S) AND AN UPDATED BUFFER TABLE WITH EACH PERMIT MODIFICATION REQUEST.


26. GRASS, SEED AND MULCH, OR SOIL SHALL BE INSTALLED AND MAINTAINED ON EXPOSED AREAS WITHIN 48 HOURS OF COMPLETING FINAL GRADE. AND AT OTHER TIMES AS NECESSARY, TO PREVENT EROSION, SEDIMENTATION OR TURBID DISCHARGES INTO RECEIVING WATERS AND/OR ADJACENT WETLANDS.
1. THE PERMITTEE SHALL IMPLEMENT 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 PERMITTEE SHALL INSTITUTE NECESSARY MEASURES DURING THE CONSTRUCTION PERIOD, INCLUDING FULL COMPACTION OF ANY ILLEGALLY PLACED STRUCTURES TO REDUCE EROSION, TURBIDITY, NUTRIENT LOADING AND SEDIMENTATION IN THE RECEIVING WATERS.

2. WATER QUALITY DATA FOR THE WATER DISCHARGED FROM THE PERMITTEE'S PROPERTY OR INTO SURFACE WATERS OF THE STATE WILL BE SUBMITTED TO THE DISTRICT AS REQUIRED BY SECTION 5.9, "BASIS OF REVIEW FOR SURFACE WATER MANAGEMENT PERMIT APPLICATIONS WITHIN SOUTH FLORIDA WATER MANAGEMENT DISTRICT - MARCH, 1994." PARAMETERS TO BE MONITORED MAY INCLUDE THOSE LISTED IN CHAPTER 62-302, F.A.C. IF WATER QUALITY DATA IS REQUIRED, THE PERMITTEE SHALL PROVIDE DATA ON VOLUMES OF WATER DISCHARGED, INCLUDING TOTAL VOLUME DISCHARGED DURING THE DAYS OF SAMPLING AND TOTAL MONTHLY DISCHARGES FROM THE PROPERTY OR INTO SURFACE WATERS OF THE STATE.

3. THIS PERMIT SHALL NOT RELIEVE THE PERMITTEE OF ANY OBLIGATION TO OBTAIN NECESSARY FEDERAL, STATE, LOCAL OR SPECIAL DISTRICT APPROVALS.

4. THE OPERATION PHASE OF THIS PERMIT WILL NOT BECOME EFFECTIVE UNTIL THE DISTRICT'S ACCEPTANCE OF CERTIFICATION OF THE COMPLETED SURFACE WATER MANAGEMENT SYSTEM. THE PERMITTEE SHALL REQUEST TRANSFER OF THE PERMIT TO THE RESPONSIBLE OPERATIONAL ENTITY ACCEPTED BY THE DISTRICT OR DIFFERENT FROM THE PERMITTEE. THE TRANSFER REQUEST CAN BE SUBMITTED CONCURRENTLY WITH THE CONSTRUCTION COMPLETION CERTIFICATION.

5. ALL ROAD ELEVATIONS SHALL BE SET IN ACCORDANCE WITH THE CRITERIA SET FORTH IN SECTION 6.4, "BASIS OF REVIEW FOR SURFACE WATER MANAGEMENT PERMIT APPLICATIONS WITHIN SOUTH FLORIDA WATER MANAGEMENT DISTRICT - MARCH, 1994."

6. ALL BUILDING FLOOR ELEVATIONS SHALL BE SET IN ACCORDANCE WITH THE CRITERIA SET FORTH IN SECTION 6.4, "BASIS OF REVIEW FOR SURFACE WATER MANAGEMENT PERMIT APPLICATIONS WITHIN SOUTH FLORIDA WATER MANAGEMENT DISTRICT - MARCH, 1994."

7. OFF-SITE DISCHARGES DURING CONSTRUCTION AND DEVELOPMENT WILL BE MADE ONLY THROUGH THE FACILITIES AUTHORIZED BY THIS PERMIT.

8. A PERMIT TRANSFER TO THE OPERATION PHASE SHALL NOT OCCUR UNTIL A RESPONSIBLE ENTITY MEETING THE REQUIREMENT IN SECTION 5.0, "BASIS OF REVIEW FOR SURFACE WATER MANAGEMENT PERMIT APPLICATIONS WITHIN SOUTH FLORIDA WATER MANAGEMENT DISTRICT - MARCH, 1994." HAS BEEN ESTABLISHED TO OPERATE AND MAINTAIN THE SYSTEM. THE ENTITY MUST BE PROVIDED WITH SUFFICIENT OWNERSHIP OR LEGAL INTEREST SO THAT IT HAS CONTROL OVER ALL WATER MANAGEMENT FACILITIES AUTHORIZED HEREIN.

9. THE PERMIT DOES NOT CONVEY TO THE PERMITTEE ANY PROPERTY RIGHT OR ANY RIGHTS OR PRIVILEGES OTHER THAN THOSE SPECIFIED IN THE PERMIT AND CHAPTER 40E-4, FAC.

10. 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, OPERATION, MAINTENANCE OR USE OF ANY FACILITY AUTHORIZED BY THE PERMIT.

11. THIS PERMIT IS ISSUED BASED ON THE APPLICANT'S SUBMITTED INFORMATION WHICH REASONABLY DEMONSTRATES THAT ADVERSE WATER RESOURCE RELATED IMPACTS WILL NOT BE CAUSED BY THE COMPLETED PERMIT ACTIVITY. SHOULD ANY ADVERSE IMPACTS CAUSED BY THE COMPLETED SURFACE WATER MANAGEMENT SYSTEM OCCUR, THE DISTRICT WILL REQUIRE THE PERMITTEE TO PROVIDE APPROPRIATE MITIGATION TO THE DISTRICT OR OTHER IMPACTED PARTY. THE DISTRICT WILL REQUIRE THE PERMITTEE TO NOTIFY THE SURFACE WATER MANAGEMENT SYSTEM, IF NECESSARY, TO ELIMINATE THE CAUSE OF THE ADVERSE IMPACTS.

12. WITHIN 30 DAYS OF ISSUANCE OF THIS PERMIT, THE PERMITTEE OR AUTHORIZED AGENT SHALL NOTIFY THE DISTRICT (VIA THE SUPPLIED CONSTRUCTION COMMENCEMENT NOTICE OR EQUIVALENT) OF THE ACTUAL OR ANTICIPATED CONSTRUCTION START DATE AND THE EXPECTED COMPLETION DATE.

13. WHEN THE DURATION OF CONSTRUCTION EXCEEDS ONE YEAR, THE PERMITTEE OR AUTHORIZED AGENT SHALL SUBMIT CONSTRUCTION STATUS REPORTS ON AN ANNUAL BASIS (VIA THE SUPPLIED ANNUAL STATUS REPORT OR EQUIVALENT) BEGINNING ONE YEAR AFTER THE INITIAL COMMENCEMENT OF CONSTRUCTION.

15. Within 30 days of any sale, conveyance or other transfer of any of the land which is proposed for development under the authorization of this permit, the permittee shall notify the District of such transfer in writing via either Form 0400, request for permit transfer; or Form 0920, request for transfer of surface water management construction phase to operation phase (to be completed and submitted by the operating entity), in accordance with Sections 40E-1.6105 and 40E-4.351, F.A.C.

16. 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.

17. 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.

18. It is the responsibility of the permittee to insure that adverse off-site water resource related impacts do not occur during construction.

19. The permittee must obtain a water use permit prior to construction or dewatering, unless the work qualifies for a general permit pursuant to Subsection 40E-20.302(4), F.A.C.
December 30, 1997

Deerfield Land Corporation
14901 South Orange Blossom Trail
Orlando, FL 32837

Subject: Application No. 970718-2, OSC Corp. Center-Wetland Impacts,
Osceola County, S3,4/T25S/R29E

Enclosed is a copy of this District’s staff report covering the permit application referenced therein. It is requested that you read this staff report thoroughly and understand its contents. The recommendations as stated in the staff report will be presented to our Governing Board for consideration on January 15, 1998.

Should you wish to object to the staff recommendations or file a petition, please provide written objections, petitions and/or waivers (refer to the attached “Notice of Right”) to:

Vern Kaiser, Deputy Clerk
South Florida Water Management District
Post Office Box 24680
West Palm Beach, Florida 33416-4680

The “Notice of Rights” addresses the procedures to be followed if you desire a public hearing or other review of the proposed agency action. You are advised, however, to be prepared to defend your position regarding the permit application when it is considered by the Governing Board for final agency action, even if you agree with the staff recommendations, as the Governing Board may take final agency action which differs materially from the proposed agency action.

Please contact the District if you have any questions concerning this matter. If we do not hear from you prior to the date on the “Notice of Rights”, we will assume you concur with our recommendations.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a “Notice of Rights” has been mailed to the addressee this 30th day of December 1997, in accordance with Section 120.60 (3) Florida Statutes.

Sincerely,

Kenneth G. Ammon, P.E.
Deputy Director
Regulation Department

KGA/ne

CERTIFIED Z 179 707 200
RETURN RECEIPT REQUESTED
Initiation of Formal Proceedings

(1) Initiation of formal proceedings shall be made by filing a petition with the District Clerk within the applicable timeframes set forth in this chapter. The term petition includes any application or other document which expresses a request for formal proceedings.

(2) All petitions filed under these rules shall contain:
   (a) The name and address of the District and the District's file or identification number, if known;
   (b) The name and address of the petitioner or petitioners;
   (c) An explanation of how each petitioner's substantial interests will be affected by the District's determination;
   (d) A statement of when and how petitioner received notice of agency action or notice of proposed agency action;
   (e) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
   (f) A concise statement of the ultimate facts which petitioner believes entitle petitioner to the relief sought as well as the rules and statutes which support petitioner's claim for relief;
   (g) A demand for the relief to which the petitioner deems himself entitled; and
   (h) Other information which the petitioner contends is material.

(3) Upon receipt of a petition for formal proceedings, the Office of Counsel shall review the petition for compliance with subsection (2). The Board shall accept those petitions in substantial compliance therewith, which have been timely filed, which establish that the petitioner is a substantially affected party, and which state a dispute which is within the jurisdiction of the District to resolve. If accepted, the Board shall designate the presiding officer of the administrative hearing. The District shall promptly give written notice to all parties of the action taken on the petition, and shall state with particularity its reasons therefor.

(7) If the Board designates a Hearing Officer assigned by the Division of Administrative Hearings as the presiding officer, the District Clerk shall forward the petition and all relevant materials filed with the District to the Division of Administrative Hearings, and shall notify all parties of its action.

Specific Authority 373.044, 373.113 F.S.
Law Implemented 120.53(1), 120.57 F.S.
History --- New 9-3-81, Amended 5-11-93.
Formerly 16K-1.09(1), 16K-1.112(1) through (3), 16K-1.12
BACKGROUND:

A conceptual modification was approved by the Governing Board on July 13, 1995 (application number 941101-4). The conceptual modification also included a phase of construction that authorized the removal of two isolated wetlands totaling 1.86 acres.

A Wetland Resource Management permit was previously approved for the impacts to the contiguous wetlands (Wetland Numbers 17A-C) contained in this application. The Governing Board approved application number 931228-1-D on September 14, 1995.

EXISTING FACILITIES:

The Tupperware Headquarters and its associated water management system are existing and operational. Bermuda Avenue and Osceola Parkway extensions through this property are existing. These roadways have existing water management facilities some of which will be expanded and used as part of the master surface water management for the Osceola Corporate Center development. The areas for construction under this application consist of uplands and wetlands.

PROPOSED FACILITIES:

Construction proposed consists of removing all wetlands to be impacted consisting of 7.59 acres and construction of 9.69 acres of the water management system to serve the future development areas and compensate for the storage volume lost by removal of the wetlands. Mass grading of 35.28 acres of the future development parcels is also proposed.

<table>
<thead>
<tr>
<th>Basin</th>
<th>Area Acres</th>
<th>WSHT Elev (ft, NGVD)</th>
<th>Normal/Dry Ctrl Elev (ft, NGVD)</th>
<th>Method of Determination</th>
</tr>
</thead>
<tbody>
<tr>
<td>BASIN 300</td>
<td>24.77</td>
<td>87.80</td>
<td>87.8/87.8</td>
<td>WETLAND INDICATOR ELEVATION</td>
</tr>
<tr>
<td>BASIN 800</td>
<td>11.13</td>
<td>83.00</td>
<td>83/83</td>
<td>WETLAND INDICATOR ELEVATION</td>
</tr>
<tr>
<td>BASIN 901</td>
<td>18.45</td>
<td>83.00</td>
<td>83/83</td>
<td>WETLAND INDICATOR ELEVATION</td>
</tr>
<tr>
<td>BASIN 904</td>
<td>24.65</td>
<td>83.00</td>
<td>83/83</td>
<td>WETLAND INDICATOR ELEVATION</td>
</tr>
</tbody>
</table>
III. PROJECT EVALUATION

Discharge Rate:

As shown in the table below, the proposed project discharge is within the allowable limit established in the Conceptual Approval modification approved July 11, 1996. Basin 300 will not discharge at this time. The pond is designed to retain the design storm, and no structure is proposed until the area is proposed for development.

Design Storm Frequency: 25YR-3DAY    Design Rainfall: 11.50 inches

<table>
<thead>
<tr>
<th>Basin</th>
<th>Allow Disch (cfs)</th>
<th>Method of Determination</th>
<th>Design Disch (cfs)</th>
<th>Design Stage (ft, NGVD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>BASIN 800</td>
<td>18.92</td>
<td>PERMIT NO 49-00477-S</td>
<td>18.82</td>
<td>87.01</td>
</tr>
<tr>
<td>BASIN 901</td>
<td>29.26</td>
<td>PERMIT NO 49-00477-S</td>
<td>29.26</td>
<td>84.92</td>
</tr>
<tr>
<td>BASIN 904</td>
<td>46.94</td>
<td>PERMIT NO 49-00477-S</td>
<td>41.44</td>
<td>85.53</td>
</tr>
</tbody>
</table>

WATER QUALITY:

Water quality treatment for 2.5 inches times the percentage of impervious coverage of the future development area, up to 80 percent impervious, is provided in wet detention ponds for Basins 800 and 900. The pond in Basin 300 does not provide water quality treatment at this time because there is no mass grading or construction of impervious surfaces.

<table>
<thead>
<tr>
<th>Basin</th>
<th>Treatment Method</th>
<th>Vol Req'd. (ac-ft)</th>
<th>Vol Prov'd (ac-ft)</th>
</tr>
</thead>
<tbody>
<tr>
<td>BASIN 800</td>
<td>1.18 acres WET DETENTION</td>
<td>1.85</td>
<td>1.85</td>
</tr>
<tr>
<td>BASIN 901</td>
<td>3.36 acres WET DETENTION</td>
<td>2.52</td>
<td>2.52</td>
</tr>
<tr>
<td>BASIN 904</td>
<td>3.54 acres WET DETENTION</td>
<td>3.52</td>
<td>3.52</td>
</tr>
</tbody>
</table>

ROAD DESIGN:

The minimum road center lines have been set at or above the calculated design storm flood elevation.
<table>
<thead>
<tr>
<th>ID</th>
<th>TOTAL ACREAGE</th>
<th>BIOLOGICAL CONDITION</th>
<th>COMMUNITY TYPE</th>
<th>COMMUNITY ACREAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>W-03-NR</td>
<td>2.40</td>
<td>FAIR</td>
<td>CYPRRESS</td>
<td>1.90</td>
</tr>
<tr>
<td>W-04-NR</td>
<td>.71</td>
<td>FAIR</td>
<td>FRESHWATER MARSHES</td>
<td>.50</td>
</tr>
<tr>
<td>W-05-NR</td>
<td>6.27</td>
<td>GOOD</td>
<td>CYPRRESS</td>
<td>6.27</td>
</tr>
<tr>
<td>W-07-NR</td>
<td>5.38</td>
<td>GOOD</td>
<td>CYPRRESS</td>
<td>5.38</td>
</tr>
<tr>
<td>W-11-NR</td>
<td>.71</td>
<td>FAIR</td>
<td>FRESHWATER MARSHES</td>
<td>.59</td>
</tr>
<tr>
<td>W-12-NR</td>
<td>2.35</td>
<td>GOOD</td>
<td>CYPRRESS</td>
<td>2.35</td>
</tr>
<tr>
<td>W-13-NR</td>
<td>.88</td>
<td>GOOD</td>
<td>CYPRRESS</td>
<td>.88</td>
</tr>
<tr>
<td>W-14-NR</td>
<td>3.27</td>
<td>GOOD</td>
<td>CYPRRESS</td>
<td>3.27</td>
</tr>
<tr>
<td>W-15-NR</td>
<td>.69</td>
<td>GOOD</td>
<td>CYPRRESS</td>
<td>.69</td>
</tr>
<tr>
<td>W-16-NR</td>
<td>.61</td>
<td>GOOD</td>
<td>FRESHWATER MARSHES</td>
<td>.61</td>
</tr>
<tr>
<td>W-17A-C-R</td>
<td>166.02</td>
<td>GOOD</td>
<td>CYPRRESS</td>
<td>94.05</td>
</tr>
<tr>
<td>W-19-R</td>
<td>44.99</td>
<td>GOOD</td>
<td>WETLAND FORESTED MIXED</td>
<td>13.00</td>
</tr>
<tr>
<td>W-20-NR</td>
<td>2.10</td>
<td>FAIR/POOR</td>
<td>CYPRRESS</td>
<td>2.10</td>
</tr>
<tr>
<td>W-24-NR</td>
<td>2.61</td>
<td>FAIR/POOR</td>
<td>CYPRRESS</td>
<td>2.61</td>
</tr>
<tr>
<td>W-25-R</td>
<td>18.29</td>
<td>GOOD</td>
<td>WETLAND FORESTED MIXED</td>
<td>18.29</td>
</tr>
<tr>
<td>W-25A-R</td>
<td>4.98</td>
<td>GOOD</td>
<td>WETLAND FORESTED MIXED</td>
<td>4.98</td>
</tr>
<tr>
<td>W-27-R</td>
<td>105.47</td>
<td>GOOD</td>
<td>CYPRRESS</td>
<td>82.42</td>
</tr>
<tr>
<td>W-31-R</td>
<td>58.27</td>
<td>GOOD</td>
<td>FRESHWATER MARSHES</td>
<td>23.05</td>
</tr>
<tr>
<td>W-33-R</td>
<td>11.29</td>
<td>GOOD</td>
<td>FRESHWATER MARSHES</td>
<td>58.26</td>
</tr>
<tr>
<td>W-34-R</td>
<td>12.49</td>
<td>GOOD</td>
<td>CYPRRESS</td>
<td>12.49</td>
</tr>
<tr>
<td>W-35-R</td>
<td>21.49</td>
<td>GOOD</td>
<td>CYPRRESS</td>
<td>21.49</td>
</tr>
<tr>
<td>W-36-NR</td>
<td>2.15</td>
<td>GOOD</td>
<td>CYPRRESS</td>
<td>2.15</td>
</tr>
</tbody>
</table>

**TOTAL ON SITE WETLAND/SURFACE WATER ACREAGE:** 478.29

**EXISTING ON SITE UPLAND COMMUNITIES:**

<table>
<thead>
<tr>
<th>ID</th>
<th>TOTAL ACREAGE</th>
<th>BIOLOGICAL CONDITION</th>
<th>COMMUNITY TYPE</th>
<th>COMMUNITY ACREAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>M-1</td>
<td>13.64</td>
<td>GOOD</td>
<td>PINE FLATWOODS</td>
<td>13.64</td>
</tr>
<tr>
<td>M-2</td>
<td>1.69</td>
<td>GOOD</td>
<td>PINE FLATWOODS</td>
<td>1.69</td>
</tr>
<tr>
<td>M-3</td>
<td>1.55</td>
<td>GOOD</td>
<td>PINE FLATWOODS</td>
<td>1.55</td>
</tr>
<tr>
<td>M-4</td>
<td>6.30</td>
<td>GOOD</td>
<td>PINE FLATWOODS</td>
<td>6.30</td>
</tr>
<tr>
<td>M-6</td>
<td>17.40</td>
<td>GOOD</td>
<td>PINE FLATWOODS</td>
<td>17.40</td>
</tr>
<tr>
<td>M-7</td>
<td>.11</td>
<td>GOOD</td>
<td>PINE FLATWOODS</td>
<td>.11</td>
</tr>
<tr>
<td>M-8</td>
<td>14.67</td>
<td>GOOD</td>
<td>PINE FLATWOODS</td>
<td>14.67</td>
</tr>
<tr>
<td>M-9</td>
<td>5.40</td>
<td>GOOD</td>
<td>HERBACEOUS</td>
<td>5.40</td>
</tr>
<tr>
<td>UP-1</td>
<td>42.74</td>
<td>GOOD</td>
<td>PINE FLATWOODS</td>
<td>42.74</td>
</tr>
<tr>
<td>UP-BUFFERS</td>
<td>46.90</td>
<td>GOOD</td>
<td>PINE FLATWOODS</td>
<td>46.90</td>
</tr>
</tbody>
</table>
Wetland 7 is a 5.38 acre wetland containing both freshwater marsh and cypress habitat. The freshwater marsh portion (1.10 acres) of this wetland will be impacted for a future stormwater management pond.

Wetland 17A-C is a large wetland system 166.03 acres in size that is contiguous to Mill Slough. Approximately 1.23 acres of this wetland will be impacted for the construction of access roads.

Approximately 0.004 acres of Wetland 31A and 0.002 acres of Wetland 35 will be impacted for the construction of roadway crossings. These wetland impacts are reflected as 0.01 acres in the wetland impact table below because the database rounds to two significant figures.

UPLAND BUFFER ZONES:

The applicant is proposing an average 25-foot upland buffer around all non-regional wetlands (identified with a "NR" suffix in the existing wetland table above) and an average 50-foot upland buffer around all regional wetlands (identified with a "R" suffix in the existing wetland table above). A conservation easement is provided with this permit modification while a plat will be recorded with each future phase of construction. The 50-foot upland buffer zone around the regional wetlands is consistent with the upland buffer zone requirements of the Development Order.

The conservation easement deeded to the District with this phase of construction includes 60.61 acres of upland compensation areas, all preserved wetlands, and a minimum upland buffer for both regional (25-foot minimum) and non-regional wetlands (15-foot minimum), totaling 576.13 acres. The table provided as Exhibit 32 indicates the acreages for all preserved wetlands and upland buffers to be deeded via a conservation easement.

The preserved wetlands and average upland buffer zones for both regional (average 50-foot) and non-regional (average 25-foot) wetlands will be recorded via a plat with each future phase of construction. The applicant must demonstrate that the average upland buffer zone is provided with each future phase. In the event that a proposal is approved which encroaches into the average upland buffer zone shown on the preliminary plat, a revised plat amendment will be required at the time of construction. Under no circumstances shall there be encroachment into the minimum upland buffer zones that are subject to the conservation easement. A preliminary plat of the wetlands and upland buffer zones is provided as Exhibits 22 - 31.

WETLAND PRESERVATION:

<table>
<thead>
<tr>
<th>ID</th>
<th>COMMUNITY TYPE</th>
<th>PRESERVATION ACREAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>W-01-NR</td>
<td>CYPRESS</td>
<td>1.25</td>
</tr>
<tr>
<td>W-04-NR</td>
<td>CYPRESS</td>
<td>.71</td>
</tr>
<tr>
<td>W-05\06-NR</td>
<td>CYPRESS</td>
<td>6.13</td>
</tr>
<tr>
<td>W-07-NR</td>
<td>CYPRESS</td>
<td>4.28</td>
</tr>
</tbody>
</table>
MITIGATION/MONITORING:

The conceptually approved mitigation plan proposed 60.61 acres of upland compensation to offset the 9.45 acres of wetland impact. Approximately 1.86 acres of wetland impacts were previously approved for construction. The remaining conceptually approved wetland impacts (7.59 acres) are proposed for impact with this phase of construction.

The location of the upland compensation areas are identical to the previously approved mitigation plan. However, the acreage of mitigation has increased slightly (0.15 acres) as a result of surveying. The total mitigation provided with this application is 60.76 acres. Exhibit 34 shows the location of the 8 upland compensation areas within the project boundaries. Mitigation area M-5 was previously deleted since it is surrounded by existing roadways and was considered to be an unacceptable location for mitigation. Mitigation areas M1-M4 and M6-M8 are dominated by pine flatwoods. The dominant vegetation within the upland compensation areas consists of long leaf and slash pine, saw palmetto, wire grass, and scattered dahoon holly.

Upland compensation area M-9 is classified as herbaceous grasslands which are dominated by an array of upland grasses and herbs. This upland herbaceous habitat is heavily utilized by sandhill cranes for foraging. The Florida Game and Freshwater Fish Commission has indicated that this grassland would provide significant benefits for the cranes as a foraging area.

The upland management plan has been revised to include prescribed fire and mechanical treatment methods as a means of maintaining open groundcover in the mitigation areas. Roller chopping will be used to increase the open space, promote wildlife movement, and allow germination of herbaceous species. Selective clearing of the tree canopy will also be performed to allow additional light penetration in the understory. These mechanical methods are incorporated into the management plan because it is impractical to use prescribed fire in some of the mitigation areas due to the location of adjacent roadway systems. Prescribed fire treatment methods will continue to be used were practical as outlined in the management plan.

This long-term management plan has also been revised to include specific goals and objectives that will be used to develop criteria in determining future treatment methods. The Nature Conservancy (TNC) will be assisting the permittee in the implementation of the management plan and minor refinements to this plan may be required after TNC has fully evaluated each upland mitigation area.

Long-term management is the perpetual responsibility of the Master Association. The Master Association will bear the responsibility of maintenance for the preserved wetlands and upland buffer areas as outlined in the Covenants, Restrictions and Guidelines and Exhibits 33A-33R. Annual reports shall be submitted to the District to indicate what treatment methods have been performed on each mitigation area. A copy of the upland management plan is provided as Exhibit 33A-33R.
ENVIRONMENTAL SUMMARY:

This modification involves 7.59 acres of wetland impact that will be offset with 60.76 acres of upland compensation. The applicant is providing an average 25-foot upland buffer for non-regional wetlands and a 50-foot average upland buffer zone for regional wetlands.

The preserved wetlands, minimum upland buffer zones (15-foot for non-regional and 25-foot for regional wetlands), and mitigation areas will be deeded to the District via a conservation easement. All of the preserved wetlands and average upland buffer zones will also be dedicated to the District via a plat with each future phase of construction. The proposed wetland impacts and mitigation plan are consistent with the conceptual approval.

SYSTEM OPERATION:

Master Association

PROPOSED LAND USE(S):

Commercial

WATER USE PERMIT STATUS:

A Water Use permit is not required for this project at this time.

POTABLE WATER SUPPLIER:

City Of Kissimmee

WASTE WATER SYSTEM/SUPPLIER:

City Of Kissimmee

DRI STATUS:

This project is a DRI (SFWMD ID No. 88-291). The Development Order for this DRI was issued by Osceola County on October 20, 1989.

SAVE OUR RIVERS:

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

The Staff recommends that the following be issued:

Authorization for the construction and operation of a 9.69 acre portion of the surface water management system to serve future development areas and provide storage to replace the storage provided by the 7.59 acres of wetlands being removed and filled with this authorization, and mass grading of 35.28 acres of the future development area. Discharges are to LAKE TOHOEPKALIGA VIA MILL SLOUGH OR SHINGLE CREEK.

Based on the information provided, District rules have been adhered to.

Staff recommendation is for approval subject to the attached Standard Limiting and Special Conditions.

VII. STAFF REVIEW

NATURAL RESOURCE MANAGEMENT DIVISION APPROVAL

ENVIRONMENTAL EVALUATION

Donald L. Medellin

DIVISION DIRECTOR:

Robert G. Robbins

DATE: 12/29/97

SUPERVISOR

Marc S. Ady

SURFACE WATER MANAGEMENT DIVISION APPROVAL

ENGINEERING EVALUATION

Alan L. Leavens

DIVISION DIRECTOR:

Anthony M. Waterhouse, P.E.

DATE: 12/29/97

Edward W. Van, P.E.
9. THE PERMIT DOES NOT CONVEY TO THE PERMITTEE ANY PROPERTY RIGHT NOR ANY RIGHTS OR PRIVILEGES OTHER THAN THOSE SPECIFIED IN THE PERMIT AND CHAPTER 40E-4, FAC.

10. 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, OPERATION, MAINTENANCE OR USE OF ANY FACILITY AUTHORIZED BY THE PERMIT.

11. THIS PERMIT IS ISSUED BASED ON THE APPLICANT'S SUBMITTED INFORMATION WHICH REASONABLY DEMONSTRATES THAT ADVERSE WATER RESOURCE RELATED IMPACTS WILL NOT BE CAUSED BY THE COMPLETED PERMIT ACTIVITY. SHOULD ANY ADVERSE IMPACTS CAUSED BY THE COMPLETED SURFACE WATER MANAGEMENT SYSTEM OCCUR, THE DISTRICT WILL REQUIRE THE PERMITTEE TO PROVIDE APPROPRIATE MITIGATION TO THE DISTRICT OR OTHER IMPACTED PARTY. THE DISTRICT WILL REQUIRE THE PERMITTEE TO MODIFY THE SURFACE WATER MANAGEMENT SYSTEM, IF NECESSARY, TO ELIMINATE THE CAUSE OF THE ADVERSE IMPACTS.

12. WITHIN 30 DAYS OF ISSUANCE OF THIS PERMIT, THE PERMITTEE OR AUTHORIZED AGENT SHALL NOTIFY THE DISTRICT (VIA THE SUPPLIED CONSTRUCTION COMMENCEMENT NOTICE OR EQUIVALENT) OF THE ACTUAL OR ANTICIPATED CONSTRUCTION START DATE AND THE EXPECTED COMPLETION DATE.

13. WHEN THE DURATION OF CONSTRUCTION EXCEEDS ONE YEAR, THE PERMITTEE OR AUTHORIZED AGENT SHALL SUBMIT CONSTRUCTION STATUS REPORTS ON AN ANNUAL BASIS (VIA THE SUPPLIED ANNUAL STATUS REPORT OR EQUIVALENT) BEGINNING ONE YEAR AFTER THE INITIAL COMMENCEMENT OF CONSTRUCTION.


15. WITHIN 30 DAYS OF ANY SALE, CONVEYANCE OR OTHER TRANSFER OF ANY OF THE LAND WHICH IS PROPOSED FOR DEVELOPMENT UNDER THE AUTHORIZATION OF THIS PERMIT, THE PERMITTEE SHALL NOTIFY THE DISTRICT OF SUCH TRANSFER IN WRITING VIA EITHER FORM 0483, REQUEST FOR PERMIT TRANSFER; OR FORM 0920, REQUEST FOR TRANSFER OF SURFACE WATER MANAGEMENT CONSTRUCTION PHASE TO OPERATION PHASE (TO BE COMPLETED AND SUBMITTED BY THE OPERATING ENTITY),
SPECIAL CONDITIONS

1. DISCHARGE FACILITIES:

BASIN: BASIN 800:

1-2.5' WIDE BROAD CRESTED WEIR WITH CREST AT ELEV. 85.25' NGVD.
1-.38' DIA. CIRCULAR ORIFICE WITH INVERT AT ELEV. 83' NGVD.

RECEIVING BODY: EXISTING WETLAND.

CONTROL ELEV: 83 FEET NGVD. / 83 FEET NGVD DRY SEASON.

BASIN: BASIN 901:

2-2.5' WIDE RECTANGULAR NOTCH WEIRS WITH CREST AT ELEV. 83.74' NGVD.
2-4' WIDE RECTANGULAR NOTCH WEIRS WITH CREST AT ELEV. 83.74' NGVD.
1-.38' DIA. CIRCULAR ORIFICE WITH INVERT AT ELEV. 83' NGVD.
40 LF OF 3.12' WIDE X 2' HIGH ELLIPTICAL CULVERT.

RECEIVING BODY: EXISTING WETLAND

CONTROL ELEV: 83 FEET NGVD. / 83 FEET NGVD DRY SEASON.

BASIN: BASIN 904:

2-2.5' WIDE RECTANGULAR NOTCH WEIRS WITH CREST AT ELEV. 83.99' NGVD.
2-4' WIDE RECTANGULAR NOTCH WEIRS WITH CREST AT ELEV. 83.99' NGVD.
1-.42' DIA. CIRCULAR ORIFICE WITH INVERT AT ELEV. 83' NGVD.
40 LF OF 2.5' DIA. RCP CULVERT.

RECEIVING BODY: EXISTING WETLAND

CONTROL ELEV: 83 FEET NGVD. / 83 FEET NGVD DRY SEASON.

2. 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.

3. MEASURES SHALL BE TAKEN DURING CONSTRUCTION TO INSURE THAT SEDIMENTATION
AND/OR TURBIDITY PROBLEMS ARE NOT CREATED IN THE RECEIVING WATER.

4. 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.

5. LAKE SIDE SLOPES SHALL BE NO STEEPER THAN 4:1 (HORIZONTAL:VERTICAL) TO A
DEPTH OF TWO FEET BELOW THE CONTROL ELEVATION. SIDE SLOPES SHALL BE
NURTURED OR PLANTED FROM 2 FEET BELOW TO 1 FOOT ABOVE CONTROL ELEVATION TO
A WETLAND MONITORING PROGRAM SHALL BE IMPLEMENTED WITHIN THE PROTECTED WETLANDS AND UPLANDS AND DETENTION AREAS. MONITORING SHALL BE CONDUCTED IN ACCORDANCE WITH EXHIBIT(S) 33N-330 AND SHALL INCLUDE ANNUAL REPORTS SUBMITTED TO THE SFWMD FOR REVIEW. MONITORING SHALL CONTINUE FOR A PERIOD OF 7 YEARS.

15. THE WETLAND CONSERVATION AREAS AND UPLAND BUFFER ZONES AND/OR UPLAND PRESERVATION AREAS SHOWN ON EXHIBIT(S) 3-18, 21-32, AND 34 MAY IN NO WAY BE ALTERED FROM THEIR NATURAL STATE. ACTIVITIES PROHIBITED WITHIN THE CONSERVATION AREAS INCLUDE, BUT ARE NOT LIMITED TO: CONSTRUCTION OR PLACING OF BUILDINGS ON OR ABOVE THE GROUND; DUMPING OR PLACING 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.

16. WETLAND PRESERVATION/MITIGATION AREAS, UPLAND BUFFER ZONES AND/OR UPLAND PRESERVATION AREAS SHALL BE DEDICATED AS CONSERVATION AND COMMON AREAS IN THE CONSERVATION EASEMENT AND PLAT AS WELL AS ON THE PLAT IF THE PROJECT WILL BE PLATTED. RESTRICTIONS FOR USE OF THE CONSERVATION/COMMON AREAS SHALL STIPULATE:

THE WETLAND PRESERVATION/MITIGATION AREAS, UPLAND BUFFER ZONES, AND/OR UPLAND PRESERVATION AREAS ARE HEREBY DEDICATED AS CONSERVATION AND COMMON AREAS. THE CONSERVATION/COMMON AREAS SHALL BE THE PERPETUAL RESPONSIBILITY OF MASTER ASSOCIATION AND MAY IN NO WAY BE ALTERED FROM THEIR NATURAL STATE AS DOCUMENTED IN EXHIBITS 3-18, 21-32 AND 34, WITH THE EXCEPTION OF PERMITTED RESTORATION ACTIVITIES. ACTIVITIES PROHIBITED WITHIN THE CONSERVATION AREAS INCLUDE, BUT ARE NOT LIMITED TO: CONSTRUCTION OR PLACING 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.

COPIES OF RECORDED DOCUMENTS SHALL BE SUBMITTED CONCURRENT WITH ENGINEERING CERTIFICATION OF CONSTRUCTION COMPLETION.

17. (A) NO LATER THAN MARCH 30, 1998, THE PERMITTEE SHALL SUBMIT FOR REVIEW AND APPROVAL, TWO (2) COPIES OF THE FOLLOWING:

1. SEALED BOUNDARY SURVEY OF CONSERVATION AREA(S) BY PROFESSIONAL LAND SURVEYOR
2. TITLE INSURANCE COMMITMENT FOR CONSERVATION EASEMENT NAMING DISTRICT AS BENEFICIARY USING APPROVED VALUATION
3. GIS DISK (WITH STATE PLANAR COORDINATES) IF AVAILABLE
BEEN OBSERVED ONSITE AND/OR THE PROJECT CONTAINS SUITABLE HABITAT FOR THESE SPECIES. IT SHALL BE THE PERMITTEE'S RESPONSIBILITY TO COORDINATE WITH THE FLORIDA GAME AND FRESH WATER FISH COMMISSION AND/OR U.S. FISH AND WILDLIFE SERVICE FOR APPROPRIATE GUIDANCE, RECOMMENDATIONS, AND/OR NECESSARY PERMITS TO AVOID IMPACTS TO LISTED SPECIES.

20. A WETLAND MITIGATION PROGRAM SHALL BE IMPLEMENTED IN ACCORDANCE WITH EXHIBITS 21, 33A-330, AND 34. THE PERMITTEE SHALL PROTECT 60.76 ACRES OF UPLAND COMPENSATION AREAS.

21. A MAINTENANCE PLAN SHALL BE SUBMITTED IN ACCORDANCE WITH EXHIBITS 19, 21, 33A-33R AND 34 FOR THE WETLAND PRESERVES, UPLAND BUFFER ZONES AND UPLAND COMPENSATION AREAS ON A REGULAR BASIS TO ENSURE THE INTEGRITY AND VIABILITY OF THE CONSERVATION AREAS AS PERMITTED. MAINTENANCE SHALL BE CONDUCTED IN PERPETUITY TO ENSURE THAT THE CONSERVATION AREAS ARE MAINTAINED FREE OF FROM EXOTIC VEGETATION SUCH AS PRIMROSE WILLOW, CATTAILS, ETC. AND THAT OTHER NUISANCE SPECIES SHALL CONSTITUTE NO MORE THAN 10 PERCENT OF TOTAL COVER. PRIOR TO TURNING OVER THE MITIGATION AND MAINTENANCE RESPONSIBILITIES TO THE OPERATING ENTITY/MASTER ASSOCIATION, THE PERMITTEE SHALL ASSUME FULL RESPONSIBILITY FOR IMPLEMENTATION OF THESE ACTIVITIES.

22. FOLLOWING TECHNICAL INPUT FROM THE NATURE CONSERVANCY AND PRIOR TO MARCH 30, 1998, THE PERMITTEE SHALL SUBMIT A DRAFT FINALIZED-MANAGEMENT PLAN FOR DISTRICT STAFF REVIEW WHICH CONTAINS A SCHEDULE FOR PRESCRIBED FIRE OR MECHANICAL TREATMENT METHODS FOR EACH UPLAND MITIGATION AREA.

23. THE PRELIMINARY PLAT DRAWINGS PREPARED BY IVELY, HARRIS & WALLS, INC.; CONSISTING OF REPLATS FOR THE OSCEOLA CORPORATE CENTER PROPERTY LABELED AS EXHIBITS 22-31 ARE INCORPORATED BY REFERENCE AND WILL BE MADE A PART OF THE PERMIT FILE.

24. EACH FUTURE PHASE OF CONSTRUCTION LOCATED ADJACENT TO ANY MITIGATION/ CONSERVATION AREAS SHALL BE ACCOMPANIED BY AN UPDATED UPLAND BUFFER TABLE (CONSISTENT WITH EXHIBIT 32) AND PLAT OR PLAT AMENDMENT (WHERE ENCROACHMENT OCCURS WITHIN THE AVERAGE UPLAND BUFFER ZONE OF A REGIONAL OR NON-REGIONAL WETLAND). UNDER NO CIRCUMSTANCES SHALL THERE BE ENCROACHMENT INTO THE MINIMUM UPLAND BUFFER ZONES OR WETLANDS THAT ARE SUBJECT TO A CONSERVATION EASEMENT. IN THE EVENT THAT A PHASE OF CONSTRUCTION DOES NOT INVOLVE UPLAND BUFFER ZONE ENCROACHMENTS, THEN THE APPLICANT SHALL SUBMIT A RECORDED PLAT OF THE CONSERVATION AREA(S) AND AN UPDATED BUFFER TABLE WITH EACH PERMIT MODIFICATION REQUEST.

EXHIBITS - 3 to 9
ARE INCORPORATED INTO THIS STAFF REPORT BY REFERENCE AND IS INCLUDED IN THE PERMIT FILE.

3-18
PLANS
CONSTRUCTION
(Not attached)
EXHIBIT 11
IS INCORPORATED INTO THIS STAFF REPORT BY
REFERENCE AND IS INCLUDED IN THE PERMIT FILE.

CONSTRUCTION PLAN
(Not attached)
EXHIBIT 13
IS INCORPORATED INTO THIS STAFF REPORT BY REFERENCE AND IS INCLUDED IN THE PERMIT FILE.

CONSTRUCTION PLAN
(NOT ATTACHED)
<table>
<thead>
<tr>
<th>Wetland Number</th>
<th>Conservation Easement Acreage</th>
<th>Upland Buffer</th>
<th>Total Buffer Area Required</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Wetland Size (acres)</td>
<td>Minimum Buffer (acres)</td>
<td>(Acreage landward of minimum)</td>
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<tr>
<td>1-NR</td>
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<td>0.12</td>
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<td>25A-NR</td>
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<tr>
<td>27-R</td>
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<td>Man-made Borrow Pond</td>
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<td>Totals</td>
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<td>26.61</td>
<td>20.29</td>
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</table>

1 Non-Regional wetlands will have a 15 foot minimum buffer to be included in the conservation easement, and a 25 foot average buffer.
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EXHIBIT 34
EXISTING LAND USE
AND VEGETATION ASSOCIATIONS
OSCEOLA CORPORATE CENTER
OSCEOLA COUNTY, FLORIDA

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
PREPARED FOR:
UNITED STATES ARMY CORPS OF ENGINEERS
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
CON 24-06

Regulation Department
Application No.: 000127-12

February 25, 2000

Ms. Jennifer Moline
Deerfield Land Corporation
14901 South Orange Blossom Trail
Orlando, FL 32837

Dear Permittee:

SUBJECT: PERMIT MODIFICATION NO.: 49-00477-S
Project: OSCEOLA CORPORATE CENTER
Location: OSCEOLA COUNTY, S4/T25S/R29E

District staff has reviewed the information submitted on January 27, 2000 (copy attached) from Ms. Julie P. Kendig-Schrader of Greenberg Traurig, P.A. requesting a modification to change the dedication of the average upland buffer zone via conservation easement instead of plat amendment.

District staff has determined the proposed modification is in compliance with the intent of the original permit and appropriate provisions of F.A.C. Rule 40E-4.331(2)(b). Therefore, the change to Special Condition Number 24 of Permit 49-00477-S issued on January 15, 1998 has been recorded into the files. Attach a copy of this letter and the revised schedule to the original permit for the records. Please understand that your permit remains subject to the Nineteen (19) Limiting Conditions and all other Special Conditions not modified and as originally issued.

If you need further assistance please contact Mr. E.J. Edmundson at (407) 858-6100, extension 3808.

Sincerely,

Marc S. Ady
Sr. Supv Environmental Analyst
Orlando Service Center

C: Ms. Julie Kendig-Schrader, Greenberg Traurig, P.A.
Ms. Carolyn Schultz Ivey, Harris, and Walls.
SPECIAL CONDITIONS

1. EACH FUTURE PHASE OF CONSTRUCTION LOCATED ADJACENT TO ANY MITIGATION/CONSERVATION AREAS SHALL BE ACCOMPANIED BY AN UPDATED BUFFER TABLE (CONSISTENT WITH EXHIBIT 32) AND CONSERVATION EASEMENT OR CONSERVATION EASEMENT AMENDMENT (WHERE ENCROACHMENT OCCURS WITHIN THE AVERAGE UPLAND BUFFER ZONE OF A REGIONAL OR NON-REGIONAL WETLAND). UNDER NO CIRCUMSTANCES SHALL THERE BE ENCROACHMENT INTO THE MINIMUM UPLAND BUFFER ZONES OR WETLANDS THAT ARE SUBJECT TO CONSERVATION EASEMENT. IN THE EVENT THAT A PHASE OF CONSTRUCTION DOES NOT INVOLVE UPLAND BUFFER ZONE ENCROACHMENTS, THEN THE APPLICANT SHALL SUBMIT A RECORDED CONSERVATION EASEMENT OF THE CONSERVATION AREA(S) AND AN UPDATED BUFFER TABLE WITH EACH PERMIT MODIFICATION REQUEST.
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