

BOARD OF COUNTY COMMISSIONERS

GULF COUNTY, FLORIDA

INFORMATION MARCH 13, 2012 PAGE NO.
BCC CORRESPONDENCE:

CORRESPONDENCE TO BCC:

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Lynn Lanier

From: Brenda Monger [brenda.monger@yahoo.com]
Sent: Monday, February 27, 2012 11:48 AM
To: commissioner4@gulfcounty-fl.gov
Subject: Fw: over 65 beach driving permit

Sorry to bother you again, but I never received a reply to this request.

----- Forwarded Message -----

From: Brenda Monger <brenda.monger@yahoo.com>
To: commissioner4@gulfcounty-fl.gov
Sent: Thursday, July 8, 2010 3:44 PM
Subject: over 65 beach driving permit

Dear Mr. Peters,

In 1990 you helped me so much with the problem I was having about my young son (at the time!) accessing the beach when they had made the rules to only enter at the boat ramp.

Once again, I'm asking for your help in understanding why we can't get the over 65 permanent beach driving permit. We have owned our home at 184 Higgins Street, paying Gulf county taxes, since 1987. At the same time, we bought 10 acres of land on C-30, needless to say, paying taxes on this property all these years. I'm sure you are aware the taxes here for the past ten years have become more and more expensive, creating the necessity for us to rent our home just in order to pay these exorbitant taxes and insurance. This also brings in revenue for the county with the 4% county taxes each and every time we rent.

This was to be our retirement home, yet with the taxes and insurance, so far we cannot afford to retire here. In the meantime, however, our aging process has afforded one benefit we hoped to gain from all the taxes we've paid--the over 65 lifetime beach driving permit. Now we understand we cannot have this permit because we aren't a "resident". Considering not only all these taxes we have paid plus the income generated for Port St. Joe and Gulf county from the tourists renting our home, is this fair?

If you can assist me as well this time as you did in 1990, it will be greatly appreciated.

Sincerely,

Brenda Monger

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Miriam Askin
Event Coordinator



Coastal Conservation Association Florida

February 27, 2012

Gulf County Board of Commissioners
1000 Cecil G. Costin, Sr. Blvd.
Port St. Joe, FL 32456

Dear Gulf County Board of Commissioners:

It has come to the attention of Coastal Conservation Association Florida (CCA) that you have been contacted by commercial fishing interests in reference to net mesh size. On behalf of CCA Florida and our 9,000 members, CCA would like to provide you with information regarding the Constitutional Net Amendment and the 2 inch mesh size bright line distinction between a seine and gill or entangling net. This mesh size rule was first upheld in 1997-99 *Pringle et al v. MFC*. Please find the attached letter that CCA Florida delivered to Governor Rick Scott's Office along with some supporting documents including a memo from the FWC's General Council outlining the Net Limitation Amendment and the extensive litigation surrounding the rule.

Numerous administrative challenges and lawsuits have been filed over the last 15 years in an effort to change these regulations, and allow commercial fisherman to use nets that are currently outlawed. All of these attempts have failed as the Courts have supported the clear intent of the Constitutional amendment.

We are providing this package for you and your staff to give you a better understanding of the history of this regulation, and to provide you with data that can be used in the handling of these requests. In addition to the FWC legal memo, we have included a CCA Florida press release from July 2008, which we issued after the last action by the FWC Commission.

In closing, we thank you for taking the time to look over this information. If there is any additional information that you or your staff would like to have on the gillnet prohibition or any other marine fishery issue please feel free to contact us.

Sincerely

Jeff Miller
Chairman of the Board
CCA Florida

Attachments – Governor Rick Scott Letter, dated 1/16/2012
FWC Legal Memorandum, dated 4/30/2008
CCA Florida Press Release, dated 6/17/2008

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Coastal Conservation Association Florida
Dedicated to Conserving and Protecting Florida's Marine Resources

P.O. Box 568886, Orlando, Florida 32856-8886 (407) 854-7002 Fax (407) 854-1766

2
INFORMATION
DATE 3/13/12 CC

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CCA FL



Coastal Conservation Association Florida

January 16, 2012

The Honorable Rick Scott
Office of Governor
The Capitol
400 South Monroe Street
Tallahassee, FL 32399-0001

Dear Governor Scott:

It has come to our attention that a group of commercial net fishermen have been contacting your office, as well as various county commissioners, requesting that you or the FWC "correct the commercial fishing net's hole size problem". On behalf of CCA Florida and our 9,000 conservation minded saltwater anglers, I would like to share some facts with you regarding this issue.

In 1994, a truly grassroots effort was undertaken to amend the Florida Constitution to "Limit Marine Net Fishing". An all volunteer army collected 550,000 petitions to place the issue on the 1994 ballot. No paid petition gatherers were used and all of the petitions were collected by volunteers. The strong public support for this amendment was demonstrated by the overwhelming 72 percent "Yes" vote. The constitutional amendment and the implementing rules have brought Florida's inshore fishery populations to new highs, as demonstrated by the recent increase in allowable redfish take, and the elimination of the closed season for seatrout.

The group known as "Fishing for Freedom" includes a small group of Wakulla County netters that are once again trying to circumvent the clear intent of the Constitutional amendment which prohibits the use of gillnets in all state waters. Their ongoing argument is to try to confuse decision makers using the mesh size of gillnets. They have been doing this in various forms for the last 15 years. Their arguments have been consistently rejected by the FWC and the Courts.

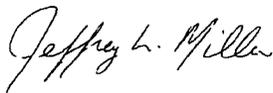
Numerous administrative challenges and lawsuits have been filed over the last 15 years in an effort to change these regulations, and allow them to use nets that are currently outlawed. All of these attempts have failed as the Courts have supported the clear intent of the Constitutional amendment. Early Court decisions have upheld the implementing rules which established a 2 inch stretched net mesh size, which is the same as a 1 inch bar mesh size, as the "bright line distinction" between a legal seine net and an illegal gillnet. The size was established based on the historic mesh sizes of nets prior to the enactment of the gillnet ban. The Court ruled that the 2 inch maximum mesh size for seine nets was "Historically based, rational and practical". We have enclosed an April 30, 2008 legal memorandum from the FWC's general council which describes the various challenges and rulings since the amendment was passed.

We prepared this letter and information package for you and your staff to give you a better understanding of the history of this regulation, and to provide you with data that can be used in the handling of these requests. In addition to the FWC legal memo, we have included a CCA Florida press release from July 2008, which we issued after the last action by the FWC Commission.

In closing, we thank you for your support in managing Florida's expansive saltwater recreational fisheries. If there is any additional information that you or your staff would like to have on the gillnet prohibition or any other marine fishery issue please feel free to contact us.

We would also like you to know that we greatly appreciate the excellent choices that you have made for new Commissioners for the Florida Fish and Wildlife Conservation Commission. The FWC is the key agency for the management of Florida's saltwater recreational fishery which provides thousands of jobs and an 18 billion dollar boost to Florida's economy. Your support for the FWC and Florida's saltwater anglers is recognized and applauded by our membership.

Sincerely



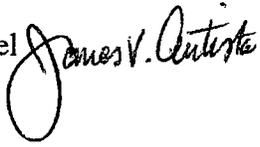
Jeff Miller
Chairman of the Board
CCA Florida

CC Nick Wiley, Executive Director, FWC

Attachments – FWC Legal Memorandum, dated 4/30/2008
CCA Florida Press Release, dated 6/17/2008

MEMORANDUM

TO: Members of the Commission
Ken Haddad, Executive Director

FROM: James V. Antista, General Counsel 

DATE: April 30, 2008

RE: Net Limitation Amendment and possible modification of current FWC rules to governing marine nets



Pursuant to a request from Chairman Rodney Barreto, this Legal Memorandum and Opinion is provided to review the Net Limitation Amendment, its implementing rules, the key administrative and court decisions relating to this subject and to discuss the legal impacts of possible modification of marine net requirements to allow larger mesh.

BACKGROUND

Article X, Section 16 of the Florida Constitution (Known as the Net Limitation Amendment) was adopted in November, 1994 and became effective July 1, 1995. Subsection (b) of the Net Limitation Amendment prohibits the use of gill nets of other entangling nets "for purposes of catching or taking any saltwater fin fish, shell fish or other marine animals in Florida Waters." Additionally, the subsection states that "no other type of net containing more than 500 square feet of mesh area shall be used in nearshore and inshore Florida waters." Article X, Section 16(b), Florida Constitution. The term "gill net" is defined in paragraph (c)(1) of the Net Limitation Amendment to mean "one or more walls of netting which captures saltwater finfish by ensnaring or entangling them in meshes of the net by the gills." The same paragraph goes on to define "entangling net" to mean "a drift net, trammel net, stab net, or any other net which captures saltwater fin fish, shell fish, or other marine animals by causing all or part of the heads, fins, legs, or other body parts to become entangled or ensnared in the meshes of the net." Rule 68B-4.002(3) and (4), F.A.C. repeats these definitions. The prohibition on use of gill or entangling gill nets does not include a hand thrown cast net. Article X, Section 16(c)(1).

Historically, there are two basic types of net gear used in Florida's inshore waters – gill or entangling nets and seines. See *Commercial Fishing Gear and Fishing Methods in Florida, State Board of Conservation, Technical Series No 13*, J.B. Siebenater (1955), pages 11, 21; Rule 68B-4.002 (3)(4) and (12), F.A.C.

The mesh size of gill or entangling nets was historically larger than the mesh size of seines. The mesh size of a gill net determines the size of fish ensnared by the gills or able to pass through the meshes. Mesh size is expressed for this purpose in terms of "stretched mesh," the distance across the diagonal of a mesh pulled tight between the knots. *Commercial Fishing Gear and Fishing Methods in Florida*, Page 8.

The twine sizes of nets used to gill or entangle fish are generally finer than the twine size of seines, since the entangling capability (catchability) of the net is dependent on the relative

visibility of the net in the water. Neilson, L.A. and Johnson, D. L., *Fisheries Techniques, American Fisheries Society*, Bethesda Maryland, 1983, pages 95-100, 123-125, 139-143; Von Brandt, A., *Fish Catching Methods of the World*, Fishing News (Books) Ltd. London, 1964, pages 109-113, 164-169. Monofilament line is nearly invisible to fish. For this reason, monofilament or multi strand monofilament "shall be considered an entangling net" within the meaning of the Net Limitation Amendment. Section 370.093(2), F.S.; Rule 68B-4.0081 (2)(b), F.A.C.

In order to implement and enforce the Net Limitation Amendment, the Marine Fisheries Commission (MFC), FWC's predecessor agency that regulated marine fishing gear prior to 1999, determined the "bright line" between a seine and a gill net. (*Marine Fisheries Commission Staff Report on Gear: Traps, Nets and Seines*, October 1996) MFC determined the bright line between a seine and a gill or entangling net to be two inch (2") stretched mesh and nets with mesh that exceeded 2 inches (2") stretched mesh were prohibited by MFC rule. See Former Rule 46-4.0081(2)(d), Now 68B-4.0081(2)(d), F.A. C. Any net with a mesh greater than two inches (2") stretched mesh shall be considered an entangling net. Rule 68B-4.0081(2)(d).

LITIGATION HISTORY OF NET LIMITATION AMENDMENT AND IMPLEMENTING RULES.

There has been extensive litigation surrounding the Net Limitation Amendment and its implementing rules. The following is a chronological history and summary of the major case decisions and other actions involving this issue.

1997-99 *Pringle et al v. MFC*, 20 FALR 2601 (Division of Administrative Hearings Final Order dated February 20, 1998).

An Administrative Law Judge (ALJ) from the Division of Administrative Hearings upheld MFC rule requiring seine nets be constructed of two-inch mesh or smaller. The ALJ decision was upheld by the First District Court of Appeal in *Pringle v. MFC*, 732 So.2d 395 (Fla. 1st DCA 1999) While noting that the 2 inch mesh net allowed by rule might not be commercially viable, the court held that a net disallowed by the Net Limitation Amendment cannot lawfully be used whatever its commercial viability. This is a very important case because it was a full evidentiary hearing on the implementing rules of the Net Limitation Amendment and it answered two questions: a 2" stretched mesh rule is bright line between a seine and a gill or entangling net; and the rule is necessary to implement the Net Limitation Amendment.

1999 *FWC v. Pringle*, 736 So.2d 17 (Fla. 1st DCA 1999).

This case rejected a circuit court decision and held that the fishers failed to exhaust administrative remedies in their challenge of MFC marine net rules. The point of this decision was to head off multiple lawsuits in different circuit courts dealing with whether or not various nets were valid. In essence the court was directing the commercial fishers to ask MFC first about the legality of a particular net before going to court.

1998 *State v. Conner*, 717 So.2d 179 (Fla.1st DCA 1998).

The First District Court of Appeal upheld a MFC rule that prohibited fishers from using marine nets exceeding 500 square feet within three nautical miles seaward of the coastline in the Gulf of Mexico.

1999 *Lane v. Chiles*, 698 So.2d 260 (Fla. 1997).

The Florida Supreme Court rejected claims that the Net Limitation Amendment violated fishers constitutional rights to due process and equal protection. The Supreme Court upheld the constitutionality of the Net Limitation Amendment and stated that the Amendment served a legitimate interest to conserve marine resources.

2003 *FWC v Pringle and Crum*, 838 So.2d 648 (Fla.1st DCA 2003).

The District Court of Appeal reversed a 2007 Circuit Court decision which had invalidated FWC's 2 inch stretched mesh rule. The DCA reinstated the rules and held that the fishers had failed to seek an opinion from FWC as to the validity of a particular marine net.

2003 *Declaratory Statement given to Ronald Fred Crum and Keith Ward relating to a hybrid net*. FWC Order No. EO-03-05 (June 11, 2003).

FWC determined that a hybrid net with stretched mesh of 3 inches was not lawful under the Net Limitation Amendment and FWC implementing rules. FWC provided an extensively researched opinion and concluded that the hybrid net was in fact an entangling net which is prohibited by the Net Limitation Amendment, FWC rules and prior case decisions. (This net was mentioned in the 1999 administrative case as a commercially viable net and was also the subject of the 2002 Circuit Court case.)

2004 *Crum v FWC*, 888 So.2d 22 (Fla. 1st DCA 2004).

The First District Court of Appeal affirmed the FWC's Declaratory Statement about marine nets.

2004 FWC amended its net rules for clarification and to close a variety of loopholes including providing in rule the method for measuring mesh area of nets, eliminating the "shower curtain" net loophole and clarifying that nets with stretched mesh over 2 inches were entangling nets in violation of the Net Limitation Amendment.

2005 FWC forms the Net Study Group to evaluate nets and fishing gear; the group conducts tests of nets with 2 inches stretched mesh and with 3 inches stretched mesh to define catch characteristics.

2005 *Wakulla Commercial Fishermen's Association v. FWC*, Circuit Court Case No. 2005 CA 1623 (Second Judicial Circuit, Leon County).

The Plaintiff's challenged the 2005 rules, including the 2 inches stretched mesh rule, as unconstitutional. The Circuit Court upheld FWC rules and reaffirmed the FWC's 2003 Declaratory Statement. This is a very significant case because the 2005 rules are vital to closing

loopholes in enforcement of the Net Limitation Amendment. The Circuit Court's opinion relied upon the previous case decisions and on the Net Study Group study which verified that nets with 3 inches stretched mesh are gill and entangling nets.

2007 *Wakulla Commercial Fishermen's Association v. FWC*,
951 So. 2d 8 (Fla. 1st DCA 2007).

The First District Court of Appeal affirmed the Circuit Court decision referenced above.

CONCLUSIONS AS TO LITIGATION

As demonstrated by the above-cited case, the Net Limitation Amendment and FWC's implementing rules have been consistently upheld by the courts of Florida. Some key principles and conclusions have emerged from the litigation:

- (1) The Net Limitation Amendment prohibits the use of gill or entangling nets in Florida waters but does not prohibit all net fishing;
- (2) Commercial fishing is not a fundamental right but a regulated activity;
- (3) FWC marine net rules can only be challenged in court and must pass the rationale basis test, which is: that the rule must be within the FWC's jurisdiction and must be rationally related to the conservation of marine fish;
- (4) The Net Limitation Amendment must be enforced regardless of the fact that some commercially viable nets are prohibited;
- (5) The Net Limitation Amendment does not violate due process of law or equal protection of law;
- (6) FWC has the legal authority to regulate marine net gear but must do so consistent with the Net Limitation Amendment;
- (7) The FWC two inch (2") stretched mesh rule, which sets the "bright line" between a seine and a gill or entangling net, is necessary to implement the Net Limitation Amendment and is scientifically and legally valid;
- (8) The FWC rules have consistently met and exceeded the rationale basis test in court because the rules are based upon sound and credible science.

FWC's 2" stretched mesh rule was created to implement the Net Limitation Amendment and is supported by sound and credible science. The study of *Commercial Fishing Gear and Fishing Methods in Florida*, considered a definitive work on commercial fishing gear and techniques in Florida, was accepted by the Administrative Judge in the 1999 case, and in subsequent cases, as an important factor in support for the 2 inches stretched mesh rule. In order to further study larger mesh nets, the 2005 Net Study Group study tested both a net with 2 inches stretched mesh and the net with 3 inches stretched mesh preferred by some commercial fishers. In these tests, the net was deployed by commercial fishers on their boats. Based upon the design of the net, the

manner in which it was fished and the manner in which it caught fish, FWC's net expert concluded that the net with 3 inches stretched mesh was a gill or entangling net. This study was an important factor in the 2007 Circuit Court case.

OPINION

Some commercial fishers continue to urge the FWC to allow larger mesh nets for marine fishing. The question reoccurs: Would a larger mesh net (larger than the current maximum mesh size of 2 inches stretched mesh) be a gill net in violation of the Net Limitation Amendment?

The former MFC and the FWC have successfully defended the Net Limitation Amendment and its implementing rules for nearly 10 years, based upon the best scientific information and testimony available on gill nets and seines. There is currently no scientific information available to FWC to show that marine nets with mesh exceeding two inches stretched mesh are not entangling nets. Based upon the best scientific information available, including the *Commercial Fishing Gear and Fishing Methods in Florida* net study, the critical factor in determining whether a net is a seine or gill net is mesh size. In this context, to modify net regulations to allow nets which exceed two inches stretched mesh would be inconsistent with the Net Limitation Amendment, the available net studies and with all court case decisions and precedent on the subject. Even if FWC considered measures to mitigate gilling and entangling characteristics of larger mesh (soak time regulations, twine standards, time and season restrictions), such measures do not change the basic and uncontroverted characteristic of large mesh nets as entangling nets designed to entangle marine fish. Further study is unlikely to refute existing scientific studies and may only raise false hope that there is an easy way out of this constitutional box in which FWC has been placed.

Some commercial fishers argue that FWC's current net rules encourage the killing of small fish. If fisheries research were to conclude that the use of nets with 2 inches stretched mesh were negatively impacting fish stocks by inordinately killing small fish, then FWC might need to consider reducing the mesh size rather than increasing it. Current research does not indicate that the net with 2 inches stretched mesh has had a negative impact on marine fisheries stocks. Moreover, a net which allows smaller fish to pass through while gilling and entangling killing larger fish would still be a gill net within the meaning of the Net Limitation Amendment. Note that when MFC was determining the "bright line" between seine and gill or entangling net, it initially considered 1 ½ inches stretched mesh as a standard, but settled on 2 inches stretched mesh.

In light of existing science on gill and entangling nets and the case decisions on the Net Limitation Amendment and implementing rules, a rule proposal that allows a marine net with mesh size greater than 2 inches stretched mesh is not consistent with the Net Limitation Amendment.



FOR IMMEDIATE RELEASE
June 17, 2008

For More Information:
Ted Forsgren (850) 224-3474

FWC COMMISSIONERS RESPECT CITIZEN MANDATE AND CONSTITUTIONAL BAN ON GILL NETS

Commercial netting interests once again tried to get the Florida Fish and Wildlife Conservation Commission (FWC) to allow larger mesh sizes in nets so they could be used as a gill net. The issue was discussed with public testimony before the full Commission at their June 12 meeting in Ft. Lauderdale.

After several hours of staff presentations and public comment the Commissioners began their discussion. One of the first to speak was Commissioner Ken Wright.

“This is not a science question, the resource has rebounded. This constitutional amendment passed by a remarkable margin and our predecessors created a bright line definition, done objectively, and upheld in litigation,” said Wright. “I am adamantly in favor of keeping the current two inch regulation. We are Trustees of a decision and bound to follow the will of the people.”

“Going to a larger mesh size has the intent of creating a gill net. We can’t point to a dog and call it a cat,” said Commissioner Brian Yablonski. “We are bound by duty to the law and must respect the rule of law.”

Commissioner Chairman Rodney Barreto stated that previous Commissioners supported the current regulations which have been successfully defended in numerous lawsuits. “The people of Florida have spoken,” said Barreto.

The commercial fishers claimed that smaller mesh size was killing “baby fish.” “If the commercial netting industry was genuinely concerned about fishing gear that killed “baby fish” then they would address the massive by-kill of juvenile “baby fish” by shrimp trawls,” Ted Forsgren, CCA Florida Executive Director. “Just one shrimp trawl kills far more juvenile fish than all the 500 sq. ft. seines combined. Their concern over baby fish is just a ploy to get large mesh nets to use as gillnets.”

The FWC staff also addressed the juvenile fish and other legal issues raised by commercial netting interests. The following are three excerpts from a legal memorandum prepared by FWC General Counsel Jim Antista.

“The former MFC and the FWC have successfully defended the Net Limitation Amendment and its implementing rules for nearly 10 years, based upon the best scientific information and testimony available on gill nets and seines. There is currently no scientific information available to FWC to show that marine nets with mesh exceeding two inches stretched mesh are not entangling nets. Based upon the best scientific information available, including the Commercial Fishing Gear and Fishing Methods in Florida net study, the critical factor in determining whether a net is a seine or gill net is mesh size. In this context, to modify net regulations to allow nets which exceed two inches stretched mesh would be inconsistent with the Net Limitation Amendment, the available net studies and with all court case decisions and precedent on the subject.”

“Some commercial fishers argue that FWC’s current net rules encourage the killing of small fish. If fisheries research were to conclude

that the use of nets with 2 inches stretched mesh were negatively impacting fish stock by inordinately killing small fish, then FWC might need to consider reducing the mesh size rather than increasing it. Current research does not indicate that the net with 2 inches stretched mesh has had a negative impact on marine fisheries stocks.”

“In light of existing science on gill and entangling nets and the case decisions on the Net Limitation Amendment and implementing rules, a rule proposal that allows a marine net with mesh size greater than 2 inches stretched mesh is not consistent with the Net Limitation Amendment.”

“We are very pleased that the Commissioners have once again upheld the overwhelming mandate of millions of Florida voters,” said Forsgren.

“30”

For more information or to join CCA Florida, please visit CCA Florida’s website at www.ccaflorida.org.

Lynn Lanier

From: Tauxe, Vicki [Vicki.Tauxe@dep.state.fl.us]
Sent: Tuesday, March 06, 2012 9:03 AM
To: 'Tom Odom'; edward.cole@akerman.com; shall@forestinvest.com
Cc: Bersok, Connie; Rach, Timothy; Joslyn, Andrew; 'Huber, Marie L SAJ'; 'Griffin, Jon M SAJ'; Mary_Mittiga@fws.gov; 'Hoehn, Ted'; ted_martin@fws.gov; 'Hambrick, Gordon A SAJ'; 'Julian Gotreaux'; 'Duncan Cairns'; pritchett.davida@epamail.epa.gov; 'Hughes, Eric H SAJ'; 'Martin Jacobson'; dshaw@baycountyfl.gov; Keith.McCarron@thearpc.com; boccc@gulfcounty-fl.gov
Subject: 2nd Notice of Intent/Draft Permit for Bear Creek Mitigation Bank
Attachments: Figure 2 Revised Service Area.pdf; 2BCMB-Intent-DraftPermit.pdf

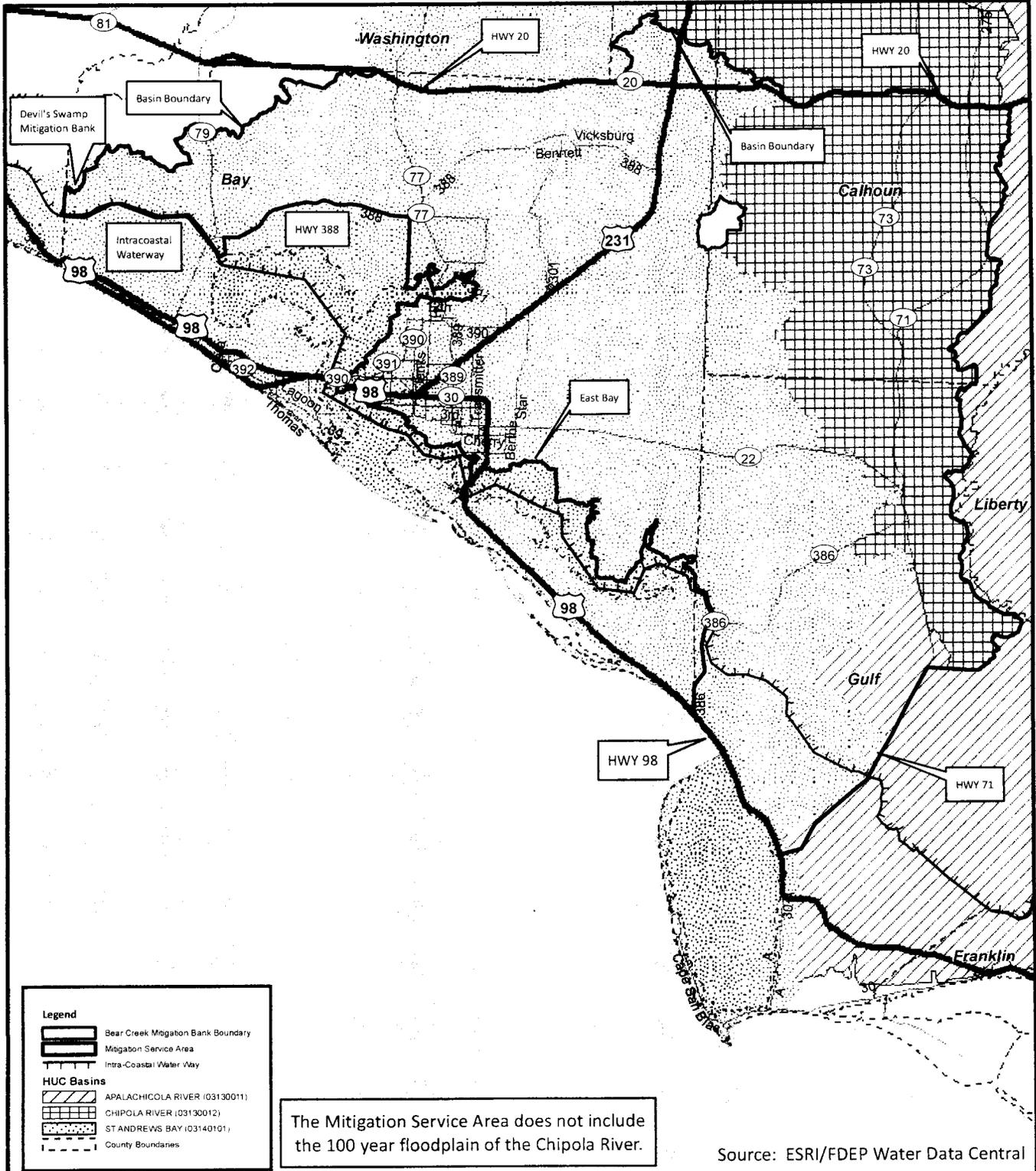
The attached Notice of Intent to Issue and Draft Permit for Bear Creek Mitigation Bank (#294280-001) is a revision of the Intent that was e-mailed on October 25, 2011. The service area was altered to include the Deer Point Lake Protection Zone and extend to Port St. Joe, and the new map, in color, is also attached. If you are unable to open or read the attachments, please call me at the number below, and I will get you a copy. Please feel free to distribute to interested staff or other parties, and let me know if you'd like to be removed from the list.

Victoria K. Tauxe

*Department of Environmental Protection
 Mitigation Section MS 2500
 2600 Blair Stone Rd
 Tallahassee, FL 32399-2400
 850-245-8492*

Please take a few minutes to share your comments on the service you received from the department by clicking on this link [DEP Customer Survey](#).

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- Legend**
- Bear Creek Mitigation Bank Boundary
 - Mitigation Service Area
 - Intra-Coastal Water Way
- HUC Basins**
- APALACHICOLA RIVER (03130011)
 - CHIPOLA RIVER (03130012)
 - ST ANDREWS BAY (03140101)
 - County Boundaries

The Mitigation Service Area does not include the 100 year floodplain of the Chipola River.

Source: ESRI/FDEP Water Data Central



Bear Creek Mitigation Bank Mitigation Service Area Bay and Calhoun Counties, Florida

Figure
Project No. 2

Project No. BCMB-004-07

Scale: 0 2.5 5 Miles

Date:
02/9/2012

Approved By:
TFO

Drawn By:
SEG

M:\Projects\Bear Creek MB\PSI and BCMB MSA Modification\MSA 2-2012

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard, Jr.
Secretary



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

In the Matter of an
Application for Permit/Water Quality Certification, by:

APPLICANT:

Bear Creek Timber, LLC
c/o Tom Odom - Mitigation Resources
713 West Montrose Street
Clermont, FL 34711

PROJECT:

Bear Creek Mitigation Bank
Revised Intent Issue: March 6, 2012
File Number: 294280-001
County: Bay and Calhoun

REVISED NOTICE OF INTENT TO ISSUE ENVIRONMENTAL RESOURCE / MITIGATION BANK PERMIT

On October 25, 2011, the Department of Environmental Protection provided a notice of intent to issue a mitigation bank permit under Chapter 62-342, Florida Administrative Code (F.A.C.), which also constitutes all necessary permits under Part IV of Chapter 373, Florida Statutes (F.S.), and Title 62, F.A.C., and therefore constitutes certification of compliance with state water quality standards pursuant to Section 401 of the Clean Water Act, 33 U.S.C. 1341. The mitigation service area was revised since then, and this revised Intent to Issue and Draft Permit incorporates that modification. Where applicable (such as activities in coastal counties), issuance of the mitigation bank permit also constitutes a finding of consistency with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Management Act.

I. DESCRIPTION OF THE PROPOSED ACTIVITY

The project is to establish the Bear Creek Mitigation Bank ("BCMB") on a ~ 3,000 acre site in 3 phases. The mitigation bank project includes the preservation of the site and the restoration or enhancement of cypress basin swamp, wet prairie and mesic flatwoods. Credits generated at BCMB may be used as mitigation for future unavoidable impacts to wetlands typical of these systems within the service area. Enhancement and restoration will be accomplished through selective canopy thinning in existing upland and wetland pine plantation areas, nuisance and invasive exotic vegetation species control, supplemental planting, prescribed fire, and hydrologic enhancements through low-water crossings and ditch blocks. Management of the BCMB site includes prescribed fire and control of nuisance and invasive exotic vegetation species. The mitigation was assessed by the Uniform Mitigation Assessment Method (UMAM) (Chapter 62-345, F.A.C.) as having a total potential of 561.2 credits: 460.6 Wet Prairie/Flatwoods Credits and 100.6 Forested Wetland Credits.

Intent to Issue, page 2 of 9
 Bear Creek Mitigation Bank
 File # 294280-001, Bay and Calhoun Counties

II. AUTHORITY FOR REVIEW

The Department has permitting authority under Part IV of Chapter 373, F.S., 62-346, and 62-342 (for mitigation banks), F.A.C. Pursuant to Operating Agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C., the Department is responsible for reviewing this application. The Mitigation Bank Permit application was reviewed according to Chapter 120, F.S.

III. BACKGROUND AND BASIS OF INTENT

Site Location, Condition, and Mitigation Plan.

Bear Creek Mitigation Bank is located in Bearthick Swamp, northeast of Panama City, south of Scotts Ferry Rd. at the Bay and Calhoun county line, specifically: Sections 5, 6, 7, 8, 18 and 19, Township 2 S, Range 11 W, Calhoun County; and Section 12, 13 and 24, Township 2 S, Range 11 W, Bay County (Figure 1). The site is at the boundary of the St. Andrew's Bay (HUC #03140101) and Chipola River (HUC #03130012) basins. The property lies within a region dominated by silviculture holdings and within a Florida Forever desired acquisition project.

The site is basically an exceedingly flat depression, with a slight northeast to southwest slope that discharges via perimeter culverts and bridge to tributary drainages of Bear Creek. On the higher areas, generally north and east perimeters, the historical communities would have been longleaf pine flatwoods grading into hydric flatwoods and wet prairie (described in the permit as "mesic pine flatwoods" and "wet prairie," respectively). With longer hydroperiods and reduced fire frequency, cypress and shrub growth increases, with cypress becoming the dominant canopy tree to form "cypress basin swamps" in isolated depressions or drainage ways.

The historic mesic flatwoods have been cleared of native longleaf and converted to slash pine plantation. Likewise, the wet prairie has been significantly impacted by varying levels of slash pine cultivation, often in bedded rows. This ground disturbance and shading by dense stands of pine or woody vegetation has significantly altered the historically open landscapes with dense and diverse pyrophitic groundcover. Notably, the keystone species of wiregrass, while present on site, has a spotty distribution. There are a few small areas of intact wet prairie that provide a useful reference condition and potential seed source. The cypress basin swamp was impacted by previous cypress logging, and due to that disturbance and fire suppression, is currently dominated by canopy-sized black titi, with cypress, slash pine, and, to a lesser degree, a mix of other wetland hardwoods (Current Condition Map - Figure 4).

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The other significant impact in the land management practices has been the construction of a network of logging roads and associated roadside ditches. Culverts placed under roads connect the wetlands and ditch system. Large culverts (36" - 48") placed in natural drainage depressions channel and convey drainage off the site under the west and south boundary roads (Figure 5a-c). The current hydrology of the site is generally reflective of regional rainfall and a relatively high, perched water table with vertical and lateral surficial movement of water through sandy soils. Except for some localized areas adjacent to the ditches, especially in the area of off-site drainage, there is little evidence of reduced or inappropriate hydroperiods.

Community restoration activities include mechanical vegetation treatments (e.g. pine harvesting, windrow and shrub reduction), reintroduction of a prescribed fire regime, herbicide treatment, as necessary, supplemental planting and seeding within existing wetlands (Figure 6). Hydrologic enhancements include construction of ditch blocks to minimize drainage effects and low water crossings to provide broad wetland connections across management roads, both designed at natural grade elevations to prevent impacts to adjacent properties (Figure 7a-c). These activities are expected to result in ~1923 acres of Wet Prairie, ~543 acres Cypress Basin Swamp, and ~498 acres of Mesic Pine Flatwoods (Figures 8). A qualified mitigation specialist (QMS) will coordinate, direct and oversee all mitigation activities.

The project is proposed to be implemented in 3 successive phases. Performance standards for activities and interim and final community success criteria, defined by community type, are incorporated into the permit conditions and credit release schedules. Other permit conditions provide inspection, monitoring and reporting schedules and protocol to measure and assess the success criteria, and adaptive management requirements, including prescribed burning, to ensure long-term maintenance of the proposed natural conditions and success criteria.

Land Protection and Financial Assurance. Prior to the release of credits in any phase, that property will be placed into a perpetual conservation easement in favor of the Department and recorded in Bay and Calhoun County records. Locked access gates and "No Trespassing" signs will be placed along the boundary for security. A limited amount of hunting and passive recreation may be allowed, with an approved plan, to enhance security surveillance and reduce hog populations. Perpetual management will entail maintaining the prescribed burning intervals (one fire every 2-5 years) and other activities as necessary to ensure continued compliance with the final success criteria.

Prior to the release of credits for any phase, a stand-by trust will be established and secured by a letter of credit for the anticipated costs of construction and implementation until success. A second secured stand-by trust will be established for a perpetual management fund. As credits are sold, the long-term management trust will be funded in cash, with cash funding required within 5 years of phase initiation.

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Establishment of Mitigation Credits. Based upon the information submitted by the applicant and an assessment of the proposed mitigation bank, the Department evaluated the factors in 62-342.470, F.A.C. to estimate the potential mitigation credits to be assigned to the bank. The Department, in consultation with the applicant, has assessed the enhancement, restoration and management activities under the Uniform Mitigation Assessment Method (UMAM-Ch. 62-345, F.A.C.) and has determined that the project can potentially provide a total of 561.2 mitigation credits upon successful establishment. The credits will be allocated as 460.6 Wet Prairie/Flatwoods credits and 100.6 Forested Wetland credits.

Schedule of release of credits. Progressive environmental enhancement or trending towards success provides environmental lift for which credits may be released incrementally. Section 62-342.470(3), F.A.C. allows for a partial release of credits based upon performance and success criteria. The permit contains a schedule for the release of credits based on implementation criteria and upon the incremental achievement of bank-wide ecological criteria. The permit contains a release schedule with release criteria for the conservation easement and financial assurance, pine and shrub treatments, implementation of prescribed fire, and hydrologic enhancement activities for a total of 40% of the potential credits. Most of the remaining credits will be released, by phase, over a five to ten year period based upon monitoring results, continued fire management and attainment of bank-wide interim and final success criteria. The final 5% of the total potential credits is reserved until all phases have attained success.

Ledger. The Department and permittee shall maintain a ledger that records all mitigation credit releases and uses. Ledger debits and credits are made by minor modifications of the permit.

Mitigation Service Area. The Mitigation Service Area (MSA) for the Bank is depicted on Figure 2 and includes most of the St. Andrews Bay basin (HUC) south of Highway 20 and north of the bay, intra-coastal waterway, and the Airport Conservation Area. The eastern boundary is the Chipola River basin south of Hwy 20, and a small area of the Apalachicola River basin. The MSA includes portions of Bay, Calhoun, and Gulf Counties. The MSA excludes the Chipola River 100-year floodplain, and portions of existing mitigation or regional permit boundaries. Impacts within the range of Panama City crayfish (generally south and west of the bank site to bay) may require alternative or additional mitigation in accordance with guidance from Florida Fish and Wildlife Conservation Commission. The suitability of this bank to offset impacts to any given project will be determined by the impact application reviewing agency on a case-by-case basis of the project for which impacts are proposed.

Acceptability of mitigation bank proposal. Section 62-342.400, F.A.C. outlines criteria that must be met to establish a mitigation bank. The Department's assessment of bank application in the relation to those criteria is as follows:

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The BCMB is located within the headwaters of Bear Creek that contribute to Deer Point Lake (Class I drinking water source for Bay County). Establishing the BCMB will contribute to the protection of these headwaters and enhancement of associated wildlife functions thus improving the ecological conditions of the regional watershed (62-342.400 (1)(a), F.A.C.).

Proposed community restoration treatments, hydrologic enhancements and management plans and have been successfully implemented in other large-scale restoration areas. QMS oversight will ensure appropriate adaptive management and compliance with permit conditions. Thus, the bank provides reasonable assurance that mitigation success will be achieved (62-342.400 (1)(e), F.A.C.) and will provide viable and sustainable ecological and hydrological functions for the proposed mitigation service area (62-342.400 (1)(b), F.A.C.).

Pine thinning, shrub reduction and bedding removal are in disturbed silviculture lands, and construction to improve hydrology is within existing roads and ditches. The QMS will oversee all construction and mechanical work in the bank to ensure best management practices and compliance with permitted design elevations. Therefore, the bank will not impact or destroy areas of high ecological value or cause offsite flooding (62-342.400 (1)(d), F.A.C.).

The ~3000-acre BCMB is connected through good quality wetland creeks and drainages to Class I waters. Further, surrounding lands are either undeveloped or in silviculture; these landuses provide reasonable assurance that mitigation success will have long term viability due to its location in the landscape (62-342.400 (1)(f), F.A.C.).

The conservation easement on the property and a funded long-term management trust along with an inspection and maintenance plan, including prescribed burning, ensure that the site will be effectively managed in perpetuity (62-342.400 (1)(c), F.A.C.).

Basis of Intent. It is the Department's intent that mitigation banks be used to minimize mitigation uncertainty associated with traditional mitigation practices and provide greater assurance of mitigation success (Rule 62-342.100(3), F.A.C.). Because the criteria for bank establishment (Section 62-342.400, F.A.C.) have been met, it is the Department's intent to issue a permit for this project pursuant to the requirements of Section 373.4135 and 373.4136, F.S. and Rule 62-342, F.A.C. A draft of the permit is attached and meets the requirements of Section 62-342.750, F.A.C.

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IV. PUBLICATION OF NOTICE

The Department has determined that the proposed activity, because of its size, potential effect on the environment or the public, controversial nature, or location, is likely to have a heightened public concern or likelihood of request for administrative proceedings. Therefore, pursuant to Section 403.815 F.S. and 62-312.060(14) F.A.C., you (the applicant) are required to publish at your own expense the enclosed Notice of Proposed Agency Action. The notice is required to be published one time within 30 days, in the legal ad section of a newspaper of general circulation in the area affected. For the purpose of this rule, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the counties where the activity is to take place, including all three counties within the mitigation service area. The applicant shall provide proof of publication to:

Department of Environmental Protection
 Bureau of Submerged Land and Environmental Resources
 2600 Blair Stone Road, MS 2500
 Tallahassee, Florida 32399

The proof of publication shall be provided to the above address within seven days of publication. Failure to publish the notice and provide proof of publication within the allotted time shall be grounds for denial of the permit.

V. RIGHTS OF AFFECTED PARTIES

Under this intent to issue, the above applications are hereby granted subject to the applicant's compliance with any requirement in this intent to publish notice of this intent in a newspaper of general circulation and to provide proof of such publication in accordance with section 50.051 of the Florida Statutes. This action is final and effective on the date filed with the Clerk of the Department unless a sufficient petition for an administrative hearing is timely filed under sections 120.569 and 120.57 of the Florida Statutes as provided below. If a sufficient petition for an administrative hearing is timely filed, this intent to issue automatically becomes only proposed agency action on the application(s), subject to the result of the administrative review process. Therefore, on the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. When proof of publication is provided, if required by this intent, and if a sufficient petition is not timely filed, the permit will be issued. Because an administrative hearing may result in the reversal or substantial modification of this action, the applicant is advised not to commence construction or other activities until the deadlines noted below for filing a petition for an administrative hearing or request for an extension of time have expired and until the permit has been issued.

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Mediation is not available.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Under rule 62-110.106(4) of the Florida Administrative Code, a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

If a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Intervention will be permitted only at the discretion of the presiding officer upon the filing of a motion in compliance with rule 28-106.205 of the Florida Administrative Code.

In accordance with rules 28-106.111(2) and 62-110.106(3)(a)4, petitions for an administrative hearing by the applicant must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. Under section 120.60(3) of the Florida Statutes, however, any person who has asked the Department for notice of agency action may file a petition within 21 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57 of the Florida Statutes.

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A petition that disputes the material facts on which the Department's action is based must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by rule 28-106.301.

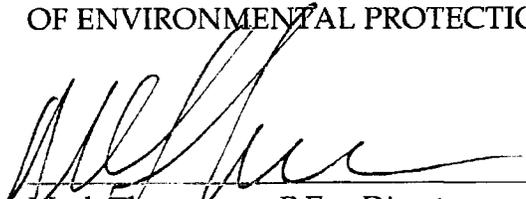
Under sections 120.569(2)(c) and (d) of the Florida Statutes, a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This intent to issue constitutes an order of the Department on its own behalf on the application for the regulatory permit. Subject to the provisions of paragraph 120.68(7)(a) of the Florida Statutes, which may require a remand for an administrative hearing, the applicant has the right to seek judicial review of the order under section 120.68 of the Florida Statutes, by the filing of a notice of appeal under rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida, 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the order is filed with the Clerk of the Department.

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The applicant, or any party within the meaning of section 373.114(1)(a) of the Florida Statutes, may also seek appellate review of the order before the Land and Water Adjudicatory Commission under section 373.114(1) of the Florida Statutes. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when the order is filed with the Clerk of the Department.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Mark Thomasson, P.E., Director
Division of Water Resource Management

Attachments: Draft Permit with Figures 1-9; Public Notice

Copies (by email) furnished to:

- Jon Griffin, Marie Huber, U. S. Army Corps of Engineers
- Mary Mittiga, Ted Martin, US Fish & Wildlife Service
- Eric Hughes, EPA, Jacksonville
- Ted Hoehn, Fish and Wildlife Conservation Commission
- Andy Joslyn, DEP, Northwest District Office
- Julian Gotreaux, Duncan Cairns, NFWFMD

Rick Scott
Governor



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Jennifer Carroll
Lt. Governor

Herschel T. Winyard, Jr.
Secretary

DRAFT

ENVIRONMENTAL RESOURCE - MITIGATION BANK PERMIT

PERMITTEE:

Bear Creek Timber, LLC
c/o Tom Odom - Mitigation Resources
713 West Montrose Street
Clermont, FL 34711

PROJECT:

Bear Creek Mitigation Bank
Permit Number: 294280-001
Expiration Date: Perpetual
County: Bay and Calhoun

This permit is issued under the authority of Part IV of Chapter 373, *Florida Statutes* (F.S.), and Chapter 62-342, *Florida Administrative Code* (F.A.C.). The activity is not exempt from the requirement to obtain this mitigation bank/environmental resource permit (MB/ERP). Pursuant to operating agreements executed between the Department and the Water Management Districts, as referenced in Chapter 62-113, F.A.C., the Department is responsible for reviewing and taking final agency action on this activity.

This permit also constitutes certification of compliance with water quality standards under Section 401, *Clean Water Act* (CWA), 33 United States Code (USC) 1341, and a finding of consistency with Florida's Coastal Zone Management Program, as required by Section 307 of the *Coastal Zone Management Act* (CZMA).

A copy of this authorization also has been sent to the U. S. Army Corps of Engineers (COE) for review. The COE may require a separate permit. Failure to obtain this authorization prior to construction could subject you to enforcement action by that agency. You are hereby advised that authorizations also may be required by other federal, state, and local entities. This authorization does not relieve you from the requirements to obtain all other required permits and authorizations.

The above-named permittee is hereby authorized to construct the work shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the Department and made a part hereof. This permit is subject to the limits, conditions, and locations of work shown in the attached drawings, and is also subject to the attached General Conditions and Specific Conditions, which are a binding part of

Bear Creek Mitigation Bank - DRAFT PERMIT

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this permit. You are advised to read and understand these drawings and conditions prior to commencing the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings. If you are utilizing a contractor, the contractor also should read and understand these drawings and conditions prior to commencing the authorized activities. Failure to comply with all drawings and conditions shall constitute grounds for revocation of the permit and appropriate enforcement action. Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and with the general and specific conditions of this permit, as specifically described.

PROJECT DESCRIPTION:

The project is to establish the Bear Creek Mitigation Bank ("BCMB") on a ~ 3,000 acre site in 3 phases. The mitigation bank project includes the preservation of the site and the restoration or enhancement of cypress basin swamp, wet prairie and mesic flatwoods. Credits generated at BCMB may be used as mitigation for future unavoidable impacts to wetlands typical of these systems within the service area. Enhancement and restoration will be accomplished through selective canopy thinning in existing upland and wetland pine plantation areas, nuisance and invasive exotic vegetation species control, supplemental planting, prescribed fire, and hydrologic enhancements through low-water crossings and ditch blocks. Management of the BCMB site includes prescribed fire and control of nuisance and invasive exotic vegetation species. The mitigation was assessed by the Uniform Mitigation Assessment Method (UMAM) (Chapter 62-345, F.A.C.) as having a total potential of 561.2 credits: 460.6 Wet Prairie/Flatwoods Credits and 100.6 Forested Wetland Credits.

PROJECT LOCATION:

The BCMB is located in Bearthick Swamp, northeast of Panama City, south of Scotts Ferry Road at the Bay and Calhoun county line, specifically: Sections 5, 6, 7, 8, 18 and 19, Township 2 S, Range 11 W, Calhoun County; and Section 12, 13 and 24, Township 2 S, Range 11 W, Bay County (Figure 1). The site is at the boundary of the St. Andrew's Bay (HUC #03140101) and Chipola River (HUC #03130012) basins. The mitigation and service area includes portions of these basins and a small portion of the Apalachicola River basin within Bay, Calhoun and Gulf Counties as depicted in Figure 2.

GENERAL CONDITIONS:

1. All activities authorized by this permit shall be implemented as set forth in the plans, specifications and performance criteria approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity may constitute grounds for revocation or enforcement action by the Department, unless a modification has been applied for and approved in accordance with Rule 62-346.100, F.A.C.
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 during the construction phase. The complete permit shall be available for review at the work site upon request by the Department staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit. A weather-resistant sign, measuring at least 8 1/2 inches by 11 inches, and including the permit number (in lettering that is easily visible from the access road) shall be placed on the property facing the road.
3. Activities approved by this permit shall be conducted in a manner that does not cause violations of state water quality standards.
4. Immediately prior to, during construction, and for the period of time after construction to allow for stabilization of all disturbed areas, the permittee shall implement and maintain erosion and sediment control best management practices, such as silt fences, erosion control blankets, mulch, sediment traps, polyacrylamide (PAM), temporary grass seed, permanent sod, and floating turbidity screens to retain sediment on-site and to prevent violations of state water quality standards. These devices shall be installed, used, and maintained at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the permitted work, and shall remain in place at all locations until construction is completed and soils are permanently stabilized. All best management practices shall be in accordance with the guidelines and specifications described in the State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Transportation and Florida Department of Environmental Protection, 2007), unless a project-specific erosion and sediment control plan is approved as part of the permit. If project-specific conditions require additional measures during any phase of construction or operation to prevent erosion or control sediments beyond those specified in the approved erosion and sediment control plan, the permittee shall implement additional best management practices as necessary, in accordance with the guidelines and specifications in the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual*, Prepared for Florida Department of Transportation & Florida Department of Environmental Protection by HydroDynamics Incorporated in cooperation with Stormwater Management Academy, June 2007. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources as soon as practicable. Once project

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construction has been deemed complete, including the re-stabilization of all side slopes, embankments, and other disturbed areas, and before conversion of the permit to the operation and maintenance phase, all silt screens and fences, temporary baffles, and other materials that are no longer required for erosion and sediment control shall be removed.

5. Stabilization measures shall be initiated for erosion and sediment control on disturbed areas as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than seven days after the construction activity in that portion of the site has temporarily or permanently ceased.

6. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the Department a fully executed Form 62-346.900(3), "Construction Commencement Notice," incorporated by reference herein, indicating the expected start and completion dates. Information on how a copy of this form may be obtained is contained in Rule 62-346.900, F.A.C.

7. Within 30 days after completion of construction of the whole system, or independent portion of the system, the permittee shall notify the Department that construction has been completed and the system is ready for inspection by submitting one of the following forms to the Department office that issued the permit

a. For systems other than those that serve an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex, Form 62-346.900(4), "As-Built Certification by a Registered Professional." If the registered professional has certified that the system has been built substantially in compliance with the plans and specifications in the permit, and that such system is ready for inspection, the permittee shall also submit Form 62-346.900(6), "Request for Conversion of Environmental Resource Individual Permit Construction Phase to Operation and Maintenance Phase." The system shall not be used and operated for its permitted purpose until the Department has approved the request to authorize the operation phase, in accordance with Rule 62-346.095, F.A.C. The "As-Built Certification" shall be for the purpose of determining if the work was completed in substantial compliance with permitted plans and specifications. The certification shall include as-built drawings in the form of the permitted drawings that clearly show any substantial deviations made during construction. The plans must be clearly labeled as "as-built" or "record" drawings

b. For systems that serve an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex, Form 62-346.900(5), "Construction Completion and Inspection Certification for a System Serving an Individual, Private Single-Family Dwelling Unit."

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 the facility, or the site infrastructure located within the area served by that portion or phase of the system.

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9. The permittee shall remain liable for compliance with the operation and maintenance of the system in accordance with the terms and conditions of the permit for the life of the system, unless such permit is transferred to an acceptable responsible entity in accordance with Rules 62-346.095 and 62-346.130, F.A.C. Once transfer of the permit has been approved by the Department, the transferee shall be liable for compliance with all the terms and conditions of the operation and maintenance phase of the permit for the life of the system.

10. Should any other regulatory agency require changes to the permitted system, the permittee shall notify the Department in writing of the changes prior to implementation so that the Department can determine whether a permit modification is appropriate.

11. 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 that is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in this permit or Chapter 62-346, F.A.C. Permittees having the right to exercise the power of eminent domain or who had a contract to purchase the property subject to this permit shall not commence any work under this permit until the permittee has provided the Department with proof of transfer of ownership of the property in the name of the permittee. If such transfer of ownership does not occur, the permittee shall surrender this permit, and the permit shall be null and void.

12. Pursuant to Section 373.422, F.S., prior to conducting any activities on sovereign submerged lands, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.

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

14. The permittee shall notify the Department in writing at least 30 days prior to any sale, conveyance, or other transfer of ownership or control of a permitted system or the real property on which the permitted system is located. Where ownership of the land subject to the permit was demonstrated through a long-term lease, the lessee must have transferred ownership and control of the permitted system to the current landowner or new lessee, effective prior to or on the date of expiration of the lease. All transfers of ownership or transfers of a permit are subject to the requirements of Rules 62-346.095 and 62-346.130, F.A.C.

15. Upon reasonable notice to the permittee, Department staff with proper identification shall have permission to enter, inspect, sample and test the system to ensure conformity with the plans and specifications authorized in the permit.

16. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the Department.

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17. The permittee shall immediately notify the Department in writing of any previously submitted information that is later discovered to be inaccurate.
18. The issuance of this permit does not relieve the permittee from the responsibility to obtain any other required federal, state, and local authorizations.
19. The permittee is advised that, pursuant to Section 556.105, F.S., excavating contractors are required to provide certain information concerning the excavation that may affect underground facilities through the one-call notification system not less than two, nor more than five, business days before beginning any excavation.

SPECIFIC CONDITIONS:

Please note that some of the following Specific Conditions further define or substitute for the requirements of General Condition 4-7. The remaining General Conditions are part of the reasonable assurance required for the issuance of this permit.

Administrative, Real Estate and Financial Requirements

1. This permit authorizes the permittee to establish a mitigation bank and obligates the permittee to timely and completely implement all of the conditions in this permit. This mitigation bank permit shall automatically expire five years from the date of issuance if the permittee has not conveyed a fee-simple interest or conservation easement on the bank property to the Department in accordance with the permit and Rule 62-342.650, F.A.C. Except for that provision, this mitigation bank permit shall be perpetual unless revoked. Any deviation from permit conditions must be authorized by the Department through a permit modification. The permit may be modified or transferred in accordance with the requirements of Rules 62-346 and 62-342.800, F.A.C.
2. Unless otherwise specified, all reports and other information required for this permit shall be submitted to Florida Department of Environmental Protection, Office of Submerged Lands and Environmental Resources, 2600 Blair Stone Road, MS 2500, Tallahassee, Florida 32399-2400. Currently, the permittee is Bear Creek Timber, LLC, represented by its manager, Mathew Whitley, and the authorized agent is Mitigation Resources, LLC, represented by Tom Odom. Pursuant to General Condition 14, the permittee shall notify the Department in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of this permit or the real property on which the permitted mitigation bank is located. Additionally, in the event that there is any change in the authorized individuals representing the permittee, the permittee shall notify the Department, identifying the new permittee representative or agent and contact information, and providing documentation that the new designee is appropriately authorized. Failure to provide notification is a violation of the permit, subject to revocation of any agency actions or ledger modifications issued under the signature of any unauthorized designee.

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3. Prior to construction, the permittee shall provide a letter to the Department from the Bureau of Historic Preservation, Division of Historical Resources (DHR) indicating the permittee has provided any necessary professional survey of construction areas, as requested in the March 30, 2009 DHR letter to the Department. If cultural resources, historical or archaeological artifacts are discovered at any time within the project site, the permittee shall immediately discontinue any activities that could harm or displace the resource in question and notify the Department and the Bureau of Historic Preservation.

4. Phases. This project is proposed to be implemented in 3 phases, as shown in Figure 3, in numerical order. However, phases may be combined for implementation *provided that Phase 1 is initiated first*. Once initiated, each phase is considered to be incorporated into the bank as a whole for the purpose of permit compliance and management. A phase is initiated by receiving a credit release based on establishing its preservation and financial assurance pursuant to Specific Conditions 6-8. All phases shall be initiated within 5 years of permit issuance. The mitigation bank shall not attain a final success determination until all phases have reached success criteria; however, monitoring requirements may be released for any phases that attain the success criteria in Specific Condition 16 a-g.

5. Project Oversight. In each phase, prior to the commencement of mitigation activities authorized in Specific Conditions 9-14, the permittee shall retain a qualified mitigation supervisor (QMS) to oversee all aspects of mitigation bank site implementation, management, monitoring, and corrective actions in this permit until final success criteria are met and a long-term management entity is established.

- a. Although the permittee will have the ultimate responsibility, the QMS shall have the contractual obligation to serve as the principle contact and manager regarding mitigation activities, including reporting, and to ensure that the mitigation bank requirements are conducted in accordance with the permit.
- b. Within 30 days of issuance of this permit, the permittee shall submit the name of QMS retained to oversee the mitigation work and provide supporting documentation demonstrating that QMS is authorized and qualified to oversee this work. The QMS must be approved by the Department prior to commencement of the mitigation activities.
- c. Within 30 days of the discharge of any approved QMS, the permittee shall submit the name and supporting documentation of a new QMS to the Department for its review. Department approval of a QMS is required prior to any subsequent agency action.
- d. The permittee shall have the approved QMS review the conditions of this permit that pertain to environmental improvement. The purpose of this review is to ascertain whether any criteria need to be modified to ensure ecological success. If the Department concurs that any proposed modifications would improve the likelihood of mitigation success, the permittee shall submit the modification request to the Department for processing.

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6. Protection and Preservation. Prior to initiating Mitigation Activities or release of credits, the property on which the BCMB, or phase thereof, is to be implemented shall be preserved and protected in accordance with a perpetual Conservation Easement (CE) granted to Department and recorded in the Public Records of Bay and Calhoun Counties (62-342.650, F.A.C.). A copy of the draft language to be used for this CE is in the permit file; however, prior to recording the CE, the permittee shall submit the final draft of the easement, and updated title commitment and survey for the bank or phase thereof for final Department review and approval. The permittee accepts the risk that review of the updated title commitment and survey may find encumbrances or exceptions that must be rectified prior to approval or recordation, and thus delay or deny credit release.

After recording the CE, the permittee shall provide the following:

- a. A title insurance policy for the easement updated to the date of conveyance;
- b. Subordination, release, or joinder agreements for any lien on the property, as identified by the Title Commitment, unless such lien does not adversely affect the ecological viability of the Bank (Rule 62-342.650 F.A.C.);
- c. Legal descriptions and survey of the CE certified to the Department and title company by a Florida registered land surveyor; and
- d. A clerk-of-the-court certified copy of the recorded CE.

7. Security, Hunting, and Recreation. Prior to initiating Mitigation Activities or release of credits, the BCMB property, or phase thereof, shall be secured at all entrances with sturdy locked gates and boundary signs (every 1000 ft.) that display "Bear Creek Mitigation Bank, Conservation Area, No Trespassing" and provide the name and contact information of the permittee (Figure 3). No hunting is allowed on initiated phases, except that the permittee may authorize limited hunting under a Department-approved plan or annual hunting lease agreement that is consistent with this permit, the restoration goals of the mitigation bank, and all state and federal hunting regulations. A hunting plan or lease authorized by the Department for permittee use shall only allow hunting of deer, turkey and feral hog (no limit), restrict the number of hunters to less than 1 hunter per 200 acres at any one time, prohibit all ATVs, and restrict all other vehicles to existing management roads, prohibit food plots or other soil disturbance, permanent structures, blinds or stands, and require security and harvest reporting. Besides approved hunting leases, no commercial use or public access is allowed without prior notification and approval of the Department to ensure that it is not contrary to the goals and conditions of the mitigation bank and conservation easement.

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8. Financial Assurance. Prior to construction or release of credits in any phase, the permittee shall provide the Department with the financial responsibility mechanisms required by Rule 62-342.700, F.A.C. and consistent with an approved cost estimate pursuant to Rule 62-342.700 (10), F.A.C. The permittee shall secure financial assurance for all mitigation activities not completed at the time of credit release, including construction, monitoring, maintenance, and reporting requirements prior to success for each phase, and a separate financial assurance for post-success long-term management requirements of the bank (all initiated phases), as follows:

- a. The permittee shall establish financial assurance for the construction and implementation in the form of a Letter of Credit (LOC) or performance bond surety, payable into a contemporaneously established standby trust account. The amount of the surety is based on 110% of the estimated costs for the remaining construction, monitoring, and maintenance prior to success. The permittee may request a partial reduction in the amount of the construction assurance after the successful completion of significant portions of work (i.e., logging/mechanical work, hydrological improvements, etc.) and submittal of a request and updated cost estimate. The permittee may request a release from its construction financial assurance obligation upon the determination that the bank has reached success criteria and the long-term management has been properly funded.
- b. The permittee shall establish the financial assurance for long-term management in the form of a LOC or performance bond surety, payable into a contemporaneously established standby or active trust account. It is anticipated that a portion of credit proceeds shall be placed in the trust, but regardless of sales, the long-term management trust fund for each initiated phase shall be fully funded in cash prior to the phase attaining success criteria or within 5 years of its initiation, whichever occurs first. The permittee may request a reduction in the surety as the trust becomes funded in cash.
- c. Secured trust accounts may be separate or combined for each phase; however, cost-estimates of all initiated phases shall be updated and surety adjustments made, as necessary, at the initiation of any phase and every two years after Phase 3 initiation pursuant to Rule 62-342.700 (11), F.A.C. and prior to final credit release.
- d. The Department may draw upon the financial mechanisms required for the bank when the permittee has materially failed to comply with the terms and conditions of the permit and continues to be in noncompliance after thirty days written notice has been provided to the permittee.
- e. The interest earned from the principal deposited in the perpetual management trust may be withdrawn for use for long-term management purposes once the mitigation bank has received the final credit release. Disbursement shall be made by the trustee at the written direction of the Department in accordance with the trust agreement.

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Mitigation Activities

Existing conditions are shown in Figure 4 and Figures 5a, 5b, and 5c, and mitigation activities are depicted graphically in Figure 6. The goals of the mitigation activities are to enhance hydrology and to restore the communities depicted on Figures 7a, 7b, 7c, 8 and 9, and Attachment A.

9. Community Targets. The permittee shall implement the restoration and enhancement activities on the site, or phase thereof, to achieve the target communities and acreage as detailed in specific conditions.

Acreage, by Phase, of Existing and Target Communities, and Proposed Activities:

Existing Community ^a	Phase (acres)			Total Acres	Principle Activities	Target Community	Phase (acres)			Total Acres
	1	2	3				1	2	3	
MF-PP	288	52	158	498	Pine Harvest, Rx Fire, Planting	Mesic Flatwoods	288	52	158	498
CBS	488	34	21	543	Mechanical/ Chemical Shrub Reduction, Rx Fire	Cypress-Basin Swamp	488	34	21	543
WP	7.5	0	0	7.5	Rx Fire	Wet Prairie	909	594	420	1923
WP-HW	293	66	98	457	Rx Fire, Shrub x					
WP-PP	400	420	322	1142	Pine Harvest, Rx Fire, Seed/Plug					
WP-W	208	1	0	209	Mechanical, Rx Fire					
WP-PP-A	0	107	0	107	Pine/Bed Reduction, Rx Fire					

^aKey: Mesic Flatwoods in Pine Plantation (MF-PP), Cypress-Basin Swamp (CBS), intact Wet Prairie (WP), Wet Prairie with Hardwood overgrowth (WP-H), Wet Prairie in Pine Plantation (WP-PP), Wet Prairie cleared into Windrows (WPP-W), and Wet Prairie recently bedded or planted as Pine Plantation (WP-PP-A)

10. Vegetation control and removal:

- a. Slash Pine Removal/ Thinning and Bedding Removal. Within 2 years following the initiation of each phase, slash pine (*Pinus elliotii*) on the target mesic flatwoods and wet prairie shall be thinned to <200 trees per acre using silviculture harvest best management practice (BMP). The initial thinning target shall be developed in consultation with the Department and local restoration land managers based on a balance of ecological factors (success targets, needle-cast for fuel, light penetration for groundcover, future management benefits, woody debris, soil disturbance, etc.). Ultimate target density (Specific Condition 16) may require additional thinning using fire, hand-felling or girdling techniques rather than a separate mechanical harvest. Harvested pines will be removed from the bank property. As part of the harvest process, the QMS shall direct activities to disrupt existing bedding and furrows and to remove or consolidate harvest debris (small trees and limbs) to expedite micro-topographic and groundcover recovery and facilitate future planting and management.

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- b. Woody Understory Reduction. During harvest activities and prior to the initial prescribed fire, cover by woody shrubs shall be mechanically reduced, using low ground-pressure equipment, such as walk-down, disk harrow or roller chop under the direction of the QMS. The goals of mechanical woody understory reduction are to reduce competition and promote growth of groundcover, cypress and other wetland tree species and as a means for site preparation for prescribed fire, supplemental seeding and planting as needed. This work shall be conducted within the slash pine removal/thinning areas and the portions of the cypress basin swamp where the following conditions are met: (i) soil conditions are dry enough to support equipment without rutting, (ii) wiregrass groundcover is absent or minimal; (iii) an initial fire of standing shrubs would potentially kill or adversely affect canopy wetland trees; and (iv) fire alone is unlikely to meet shrub cover success criteria. It is expected that most of the cypress basin swamp adjacent to wet prairie or mesic flatwoods burn boundaries would meet this criteria, whereas, most of the wet prairie areas would not be expected to need additional mechanical treatment.

Following the initial prescribed burn, the QMS may direct additional treatments of nuisance shrubs and vines by light mechanical treatment, hand-felling, or hand-application of foliar and stump herbicide (targeting broad-leaf or vine vegetation) to restore native herbaceous groundcover or cypress. Aerial herbicide application may not be used without prior written authorization by the Department identifying a specific plan or event.

- c. Removal of Windrows. Within 2 years of the initiation of any phase, vegetation and soil mounds within the windrows of the wet prairie-windrow areas shall be leveled to the maximum extent practical. Prior to initiating this activity the QMS shall provide to the Department the proposed method (such as roller chopping, gyro-tracking, harrowing or alternative mechanical treatments) for discussion to ensure that the proposed methods will be effective with minimal impact on adjacent wet prairie.
- d. Protections. Prior to harvest or mechanical treatment, the QMS will traverse the logging or treatment area to identify and flag areas of relatively intact groundcover as determined by a significant density of wiregrass (*Aristida stricta* var. *beyrichiana*). Soil disturbance will be prohibited within these areas. The QMS shall instruct and direct harvest or machine operations to avoid impacts to wiregrass and native wetland trees. *No mechanical or herbicide treatment (except for exotic species) is authorized within the intact wet prairie, and shrub control shall be by prescribed fire only.*

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- e. Exotic vegetation control. Within 1 year after harvesting activities in any phase, invasive exotic vegetation listed as Category I or II by the Florida Exotic Pest Plant Council (FLEPPC) (<http://www.fleppc.org>), including but not limited to Chinese tallow, cogon grass and Japanese climbing fern and nuisance species shall be GPS-located and treated by appropriate herbicide application and/or physical removal under the direction of the QMS and state-certified spray applicator. Non-target species shall be protected using best management practices.
- f. Reporting and Performance. The dates and locations of these vegetation treatments will be described and mapped in the status reports, and summarized, with documentation (photos, maps, dates, etc.), in the credit release request associated with this activity. For credit release, thinned pines shall be within target density, all exotic vegetation has been treated, and QMS-directed treatment of woody shrubs and windrows are complete and documented within appropriate areas, and any rutting or damage has been repaired.

11. Fire Management. Prescribed fire shall be implemented in accordance with this condition and the Fire Management Plan (Attachment B) to attain the proposed enhancement, and as a long-term management tool to sustain the communities and function. Within 2 years following harvest, initial fuel reduction burns shall be conducted across all assessment areas with the exception of cypress basin swamp (CBS) interior. Subsequent restoration burns shall be conducted on a 1-4 year rotation or as frequently as fuel and weather conditions would result in a complete restoration burn. The Department must be contacted if a burn is not initiated within 3 years of the previous fire in the burn unit to discuss the reasons, alternatives or need for permit modifications. At least half of the burns shall be targeted for implementation during the late spring or early summer growing season to favor groundcover species. The existing network of internal roads, natural wetland barriers, and burn techniques shall serve as firebreaks; no mechanical fire breaks shall be installed. In the event that emergency plow-lines or breaks are required, the Department shall be notified and the damage restored.

Each prescribed burn event will be developed and supervised by a state certified burner. Maps and dates of each prescribed burn shall submitted in status reports with documentation, including site photographs, signed by QMS and state certified burner, and a summary assessment of the burn success (defined as 80% coverage over the burn unit, a positive vegetative response in the form of new growth, minimal loss of canopy cypress, escapes or out-of-prescription burns are reported and restored in accordance with the project goals). The individual burn reports shall be summarized and submitted along with GPS ground-truthing, and aerial and ground photos for the credit release request for this activity. One or more individual successful burn events may be required to cover the site or phase for the purpose of credit release or success criteria,

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which requires that all mesic flatwoods and wet prairie areas and significant ecotone areas of the cypress basin of the site or phase have been appropriately burned.

12. Construction/Hydrologic Enhancement. The goal of the hydrologic enhancement activity is to reduce drainage and to provide improved hydrologic connections between communities on site by the strategic installation of ditch blocks or raised culverts and low water crossings (LWC) or road removal. The intent is to restore natural hydrologic conditions to the extent possible in each phase. The file contains engineering figures suitable for expressing these goals; however, the engineered details of the construction will be provided following the completion of harvest activities and shrub reduction in order to incorporate the latest field-specific information.

- a. Engineering Figures. The existing culverts, roads and ditches are shown in Figure 5a-c. The general location of culverts to remain and the proposed low water crossings and ditch blocks are shown in Figure 7a-c. The placement and number of these structures were determined using historic and recent surface water data for the site. However, at least 90 days *prior to any construction authorized in this condition*, or 18 months following initiation of any phase (whichever is first), detailed construction drawings of all proposed hydrologic structures, signed and sealed by a professional engineer registered in the State of Florida ("engineering figures"), shall be submitted to the Department as a permit modification for review and written approval. The construction design and engineering figures shall be consistent with the above-stated goals and following conditions, and shall provide the final field-located plan views, along with fully dimensioned profile and/or section views, topographic and elevation details, and typical details and descriptions.
- b. Low water crossings (LWC)/road removal. Within the length of the LWC, the fill road will be excavated, and any adjacent ditches filled, to an elevation of ~6-12" below the elevation of adjacent natural grade, lined with geotextile fabric, and covered with crushed rock/stone to match adjacent natural grade. Where a road constructed within wetlands is no longer necessary for management, the road fill shall be removed to natural grade and vegetation restored.
- c. Ditch blocks. Ditch blocks shall be constructed to reduce drainage and promote sheetflow to wetlands on site, while maintaining road integrity.
 - i. Ditch blocks within roadside ditches shall be filled using appropriate adjacent or onsite material to match adjacent natural grade elevations. Roads with double ditches will have both sides blocked except at boundary roads, where only the onsite side will be blocked.
 - ii. Ditch blocks within excavated channels or natural drainages, and those within roadside ditches that directly discharge to an offsite drainage channel with a ≥ 36 " culvert shall be designed and placed in accordance with field located and updated dimensioned engineering figures.

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- iii. Some ditch blocks may be substituted with raised culverts in the modification request, as supported with appropriate scaled engineering figures, and may be the preferred option to minimally impact a natural channel or depression.
- d. The QMS and construction engineer shall determine natural elevations for all construction elements and for the dimensioned engineering figures.
- e. Within 30 days of completion of the hydrologic construction work in any phase, the permittee shall submit a detailed report that includes a statement from the QMS summarizing the construction activities, and as-built certifications, prepared by the Engineer of Record licensed in the State of Florida, to document the low-water crossings, road removal, and ditch block installation.
- f. Prior to the request for release of credits associated with the hydrologic construction activities, the permittee shall arrange a post-construction site visit that includes the Department, QMS, and any IRT members that are available to review the activities.

13. Turbidity Controls. Earthwork will be implemented when there is no standing water (except within ditches) and no flowing water, to the greatest extent possible. Best Management Practices for the control of turbidity and erosion shall be implemented during all work on site. All construction activities shall be conducted in accordance with state and federal National Pollutant Discharge Elimination System (NPDES) regulations and an approved Stormwater Pollution Prevention Plan (SWPPP). Erosion and turbidity control measures shall be inspected regularly. All graded areas shall be stabilized within 48 hours and at any other time necessary to prevent erosion, siltation and turbid discharges. Turbidity monitoring shall be conducted daily using a portable turbidimeter whenever there is discharge to surface waters during construction activities. The background monitoring site shall be placed upstream of the influence of the discharge. Compliance monitoring sites shall be within 10 feet of the discharge or turbidity curtain, and within any visible plume. If measurements exceed 29 NTUs above background, work shall be discontinued until turbidity levels are corrected, and the Department shall be notified within 24 hours.

14. Supplemental Planting. Vegetation shall be enhanced in accordance with the plan in Attachment C, and as follows:

- a. *Herbaceous seeding*: Following harvest, woody shrub treatments and fuel reduction fires, mesic flatwoods and wet prairie restoration areas will be seeded with groundcover species collected from appropriate, approved donor sites.
- b. *Longleaf pine*: Following the second prescribed burn, longleaf pine (seedlings or container plants) shall be planted in the mesic flatwoods and ~100' into adjacent wet prairie at a rate of ~100/ac. Longleaf pine may be planted and thinned, in consultation with the Department, to achieve management, interim and final goals and criteria.

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- c. *Cypress basin swamp*: After shrub reduction and initial fire, the QMS shall assess the cypress basin swamp to determine the density and canopy cover by cypress and other wetland tree species. Cypress (seedling or container) shall be planted at adequate density to attain at least 30% canopy cover for success determination.
- d. *Wiregrass plugs*: After shrub reduction, initial fire, and any seeding, the QMS shall assess mesic flatwoods and wet prairie to determine the groundcover response and the likelihood that species richness and wiregrass density are adequate to reach success criteria. Wiregrass plugs and other groundcover species shall be planted accordingly.
- e. *Road/Ditch Revegetation*: Graded road removal and ditch fill areas shall be stabilized and seeded with appropriate on-site or near-site native community seeds and wiregrass plugs shall be used to enhance cover and diversity.

All seeding and planting shall be conducted at a season that optimizes growth and survival and in accordance with Attachment C. The QMS-planting assessment protocol, maps, dates and results, as well as any seeding or planting conducted, shall be reported in semi-annual status reports, and summarized with documentation (purchase orders, photos, etc.) following completion of the supplemental seeding and planting. Additional supplemental plugging and/or seeding shall be conducted wherever and whenever inspection and monitoring indicate poor survival or germination or a lack of a trajectory toward success criteria.

15. Work schedule. The following table provides the basic sequence and timing of activities for Phase 1, relative to CE recordation, unless stated otherwise. The same schedule will apply to subsequent phases as they are placed under a conservation easement. The sequence of activities and dates given below are somewhat flexible estimates; however, recurrent failure to progress with activities may be grounds for a finding of non-compliance.

Sequence and Estimated Timetable for Implementation

Activity	Projected Dates
Inspections and Status Reports beginning after permit issuance	Every Jan & June; ongoing
CE, Security, Financial Assurance - Initiate Phase 1*	Within 1 year of permit issuance
Initial Baseline Monitoring (SC 26, Att. C)	First fall after CE
Pine harvesting and mechanical shrub reduction (SC 10)	3-18 mo. after CE
Implement fire management /conduct initial burns (SC 11)	3-18 mo. after CE (per Att. B)
Planting assessment ; Herbaceous seeding/plugging (SC 14)	After harvest & burn; ~2 yrs
Field locate & submit engineering figures for structures (SC 12)	Within 18 mo. after CE
Construction of approved structures (SC 12/13)	After harvest; within ~2 years

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Monitoring (for reference); annual thereafter (SC 26, Att. C)	First fall after SC 10-13 activities
Attain first interim success (SC 17)	2-4 years; at least 1 yr. after above
Second prescribed burn (SC 11)	3-5 yr
Longleaf planting (also cypress, as needed) (SC 14)	After 2 nd burn; 3-4 yrs
Re-assess mapping, criteria (SC 18)	Prior to 2nd interim release request
Second interim success	3-5 yr.; at least 1 yr after 1 st interim
Third prescribed burn (SC 11)	5-8 yr.
Demonstrate Final Success in Phase 1 (SC 16)	5-8 yr.; at least 1 yr after 2 nd interim
Demonstrate Final Success in all initiated Phases (SC 16)	10-13 yr.

*All Phases to be initiated within 5 years of permit issuance. Thereafter, each phase's schedule is relative to the recordation of its CE, in accordance with the above schedule.

Success Criteria

16. Final Success. The overall goal of the mitigation bank is to restore the native mesic flatwoods, wet prairie/flatwoods, and cypress basin swamp communities (Figure 8). The mesic flatwoods are characterized by an open, longleaf pine-dominated canopy over a dense and diverse herbaceous, pyrophitic groundcover; the wet prairie/flatwoods also have a dense and diverse herbaceous, pyrophitic groundcover but with a sparse canopy of pine or cypress and a minor component of coppiced woody shrubs or subcanopy; the cypress basin swamp has a canopy dominated by cypress or other wetland canopy trees with a water, bare ground or herbaceous/low shrub ground cover. A graphic representation of the success criteria is shown on Figure 9 and described in Attachment A.

The bank, or phase thereof, shall be deemed successful when representative quantitative, qualitative and photographic monitoring and visual inspections indicate that the following criteria, in addition to the community descriptions in Attachment A, have been met for a period of at least one full year following the last interim credit release for that phase, during which no corrective actions or maintenance was necessary beyond routine management. Alternative criteria may be proposed after several monitoring events if actual onsite data indicate that such criteria provide a better assessment of the ecological goals and outcomes upon which credit was assessed. In particular, data from the relatively intact wet prairie assessment areas can serve as a reference to help determine appropriate species richness, density, structure or composition of other wet prairie assessment areas.

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For the purposes of this permit and for success determination, "woody shrubs" include those species typically reduced by fire to coppice, such as gallberry (*Ilex glabra*), fetterbush (*Leucothoe racemosa*, *Lyonia* spp.), Clethra (*Clethra alnifolia*), yaupon (*Ilex vomitoria*), titi (*Cyrilla racemiflora* and *Cliftonia monophylla*), and wax myrtle (*Myrica cerifera*). Slash pine is *Pinus elliottii*, and longleaf pine is *Pinus palustris*. Cypress is *Taxodium ascendens* (pond cypress). Wiregrass is *Aristida stricta* var. *beyrichiana*.

a. Entire Site:

1. The acreage based on updated mapping of target communities is within 10% of the acreage tables in Specific Condition 9, or the permit has been modified in accordance with Specific Condition 18,
2. Plants are reproducing naturally, either by normal, healthy vegetative spread (in ways that would be normal for each species) or through seedling establishment, growth, and survival;
3. All wetland target communities meet wetland delineation criteria as defined by 62-340, F.A.C.;
4. Coverage by category I and II invasive exotic plant species (pursuant to the most current list established by the Florida Exotic Pest Council at www.fleppc.org) shall not exceed 1% total coverage per acre;
5. Nuisance species including, but not limited to *Rubus*, and vine species such *Vitis* and *Smilax*, are <5% cover per acre;
6. Plant species and structure in each target community is consistent with description in Attachment A, except for areas with immature canopy, but are otherwise meeting success criteria; and
7. The site is appropriately fenced, posted, and secured as depicted in Figure 3 and protected against unauthorized entry or activity.

b. Overall Hydrology

1. All hydrology construction areas have been completed to the satisfaction of the Department, are stabilized and showing no signs of erosion, and have operated as designed (and with no repair required in previous two years);
2. Ditch blocks and road removal areas have a combined ground, shrub and tree cover of $\geq 80\%$ with appropriate native species for the community;
3. There is no evidence of wash outs, erosion, or other indications of unnatural channelized water flow throughout the site; and
4. Water level recorder data and random soil core samples representing each wetland community shall indicate appropriate water levels and appropriate hydric soils to support the community.

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c. Mesic Flatwoods:

1. Transects have ≥ 40 native, non-canopy species (including coppice shrubs) appropriate to pine flatwoods identified in literature such as the Florida Plant Atlas (USF) and Guide to the Vascular Plants of Florida (Wunderlin, 2003);
2. There is at least 80% total cover (bare ground $\leq 20\%$) in groundcover stratum, with a relative cover of herbaceous species $\geq 70\%$ (less than 30% relative cover with woody shrubs);
3. Woody shrubs are reduced to coppice, typically $<1.5\text{m}$ high and with a total aerial cover (all strata) averaging $<30\%$;
4. Pine saplings and trees average <70 stems per acre with at least 30% being longleaf pine that is taller than grass-stage, and
5. Wiregrass is among the top five dominant groundcover species.

d. Wet Prairie:

1. Transects have ≥ 50 native, non-canopy wetland (FACW or OBL) species appropriate to wet prairie or flatwoods as identified in literature such as the Florida Plant Atlas (USF) and Guide to the Vascular Plants of Florida (Wunderlin, 2003) (not including tree species);
2. There is at least 80% total cover (bare ground $\leq 20\%$) in groundcover stratum;
3. The relative cover of herbaceous species $\geq 70\%$ (less than 30% relative cover with woody shrubs or slash pine seedlings), dominated by grass species;
4. Woody shrubs and tree seedlings (not counting cypress) are reduced to coppice ($<1.5\text{m}$ high) and have a total aerial cover (*across all strata*) $<20\%$;
5. Average of less than 20 slash pine canopy or subcanopy ($\geq 1''$ dbh) trees per acre and less than 30 total trees per acre, excluding cypress (because a wide range of cypress cover was historically present and would be appropriate);
6. Wiregrass is among the top five dominant groundcover species.

e. Cypress Basin Swamp:

1. There is $\leq 50\%$ total aerial cover (all strata) of woody shrubs as estimated from a line intercept methodology, qualitative transects and inspection.
2. Woody shrubs are reduced to coppice along the community margins.
3. Slash pine is <20 stems per acre and an insignificant portion of the canopy.
4. Aerial cover of canopy ($>4''$ dbh) and subcanopy ($1-4''$ dbh) wetland tree species (not woody shrub species) is $\geq 60\%$, or is increasing annually and has a minimum of 30% cover, with cypress as the dominate tree species.

- f. UMAM Assessment. Using monitoring data and reports, and in conjunction with the permittee and available members of the IRT, the Department shall inspect the site and conduct a UMAM analysis to ensure that all communities have reached, or are expected to reach and maintain, the "with mitigation" vision and scores in Attachment D.

g. Compliance.

- i. The permittee, or QMS, has conducted inspections, monitoring and management, including the appropriate schedule or prescribed burns (as defined in Specific Condition 25) and has submitted all required reports to the satisfaction of the Department.
- ii. All security measures are established and are in working order.
- iii. At least 3 successful prescribed burns have been completed in accordance with Specific Condition 11 in all initiated phases;
- iv. An updated, long-term management plan (expanded version of Specific Condition 25) and long term management entity has been submitted and approved by the Department, and the long term management trust fund has been funded.

h. Phasing.

All phases have attained the success criteria in Specific Condition 16 a-g.

17. Interim Release Criteria. Prior to achieving the final success criteria described in Specific Condition 16, and in order to qualify for the interim credit releases associated with the Credit Release Schedule (Specific Condition 21), the standards that must be attained by the site or phase thereof are as follows. Credits will be released only after at least one year has passed since the monitoring associated with previous credit release and when inspection and monitoring data provided in Annual Reports indicate that the following criteria are met and will be maintained under the required management plan:

- a. Exotic species are maintained or trending towards <1% cover;
- b. Construction sites and structures are functioning as designed;
- c. Mesic flatwoods and wet prairie target areas shall demonstrate <30% bare ground/leaf litter, >40% relative cover with herbaceous species, <50% cover with woody shrubs, >20 species per transect in each assessment area, *and*, when compared to the monitoring data from the previous credit release, there is *at least* a 10% improvement in these variables or monitoring and site inspections indicate that these variables are nearing final success;
- d. The cypress-basin swamp area demonstrates that tree canopy is increasing annually (or has achieved $\geq 60\%$) with appropriate tree species consistent with the community criteria and descriptions, and wood shrub cover is decreased by at least 15% over previous monitoring; and
- e. For the second interim release, longleaf planting has been completed, at least 2 prescribed burns completed, and an interim evaluation conducted (Specific Condition 18) with a modification request submitted, as necessary.

Bear Creek Mitigation Bank - DRAFT PERMIT
File# 0294280, Bay and Calhoun Counties
Page 20 of 25

18. Interim Evaluation. Prior to the modification request for the second interim credit release, the permittee shall meet with the Department to re-evaluate permit figures (community configurations) and criteria to determine whether current site conditions accurately reflect permit conditions. From historic aerials and remnant vegetation, it appears that portions of the currently mapped cypress basin swamp may have been more typical of a wet prairie with a cypress canopy. Likewise, portions of the wet prairie may respond with significant cypress generation. Should mitigation activities result in a community shift that is different than was expected when permitted, the permittee may request a modification to the community boundaries, criteria or credit assessment. In addition, if the site data and conditions are not trending toward and expected to attain success criteria within 15 years after permit issuance, the permittee shall submit a modification request to the Department for any requisite figure, criteria, credit assessment or release schedule before the Department releases any additional credits.

Banking Operations

19. Assessment of Credits. Credits were determined using UMAM, Chapter 62-345, F.A.C. A summary of the credit assessment is provided as Attachment D. As a result of mitigation activities, BCMB has the potential to provide for a total of 561.2 credits: 460.6 as Wet Prairie/Flatwoods Credits and 100.6 as Forested Wetland Credits. Credits will be released incrementally, as detailed in Specific Condition 21, in the same proportions as the overall assessment: 82% Wet Prairie/Flatwoods Credits as and 18% as Forested Wetland Credits.

20. Ledger. In order to track credit releases and withdrawals, a ledger shall be kept by both the Department and the permittee indicating all potential, released, withdrawn, and available credits. The format for the ledger, indicating potential credits, is provided as Attachment E.

21. Credit Release Schedule. Mitigation credits will be released for use in accordance with the following Credit Release Schedule. The actual release will be determined by when the specified activity or criteria is satisfactorily completed or achieved rather than the expected timeframes in Specific Condition 15.

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Credit Release Schedule by Activity or Criteria, Credit Type, and Phase

Credit Release Activity or Performance Criteria	Specific Condition	%	Wet						Totals
			Prairie/Flatwoods			Forested Wetland			
			1	2	3	1	2	3	
CE; Financial; Security; QMS	5-8	15	37.0	16.8	15.2	8.1	3.7	3.3	84.2
Harvest, Shrub, Exotics Treatment	10	10	24.7	11.2	10.2	5.4	2.5	2.2	56.1
Initial Prescribed Burn	11	10	24.7	11.2	10.2	5.4	2.5	2.2	56.1
Construction & Seeding/Plugging	12-14	5	12.3	5.6	5.1	2.7	1.2	1.1	28.1
First Interim Success	9, 17	15	37.0	16.8	15.2	8.1	3.7	3.3	84.2
2nd Rx Burn; Longleaf Planting	11, 14	5	12.3	5.6	5.1	2.7	1.2	1.1	28.1
Second Interim Success	9, 17	15	37.0	16.8	15.2	8.1	3.7	3.3	84.2
3rd Rx Burn	11	0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Final Success of Phase	9, 16	20	49.3	22.4	20.3	10.8	4.9	4.5	112.2
All Phases Attain Final Success	9, 16	5	12.3	5.6	5.1	2.7	1.2	1.1	28.1
TOTAL		100	246.6	112.0	101.6	54.1	24.6	22.3	561.2

Upon completion of a credit release activity, the permittee may submit a minor modification request (with fee), along with supporting documentation, for the release of the appropriate number of credits. The Department shall review the documentation, conduct a site visit to determine if the documentation is representative of on-site conditions, and perform a compliance review of the permit, prior to the issuance or denial of the minor modification to release credits.

22. Implementation and End-Date A material part of the reasonable assurances the Department relies on in issuing this permit is that the permittee will timely and completely implement all of the conditions and phases. Failure to timely and completely comply with all of the conditions of this permit may result in a revocation or suspension of the permit. As specified in Rule 62-342.470(6), F.A.C., if at any time the bank is not in material compliance with the terms of this permit, no mitigation credits may be released or withdrawn (suspension of credit use). Mitigation credits shall again be available if the permittee comes back into compliance. If the permittee has not attained a modification for final credit release within 15 years after permit issuance, or otherwise obtained a permit modification to revise the schedule, figures, criteria, credit assessment, or management to adjust for revised expectations, in accordance with the permit interim evaluation in Specific Condition 18, any potential credits that have not been released shall be forfeited, and annual qualitative monitoring and reporting (Specific Conditions 26 and 28) may be discontinued. However, the permittee is still required to maintain the site according to Specific Conditions 25 and Attachment G.

Bear Creek Mitigation Bank - DRAFT PERMIT

File# 0294280, Bay and Calhoun Counties

Page 22 of 25

23. Mitigation Credit Withdrawal. Withdrawal of the mitigation bank credits as mitigation for wetland impacts shall be accomplished through a minor modification of this permit. Modification requests for credit withdrawal shall not require a modification fee. Withdrawal modification requests shall be made in writing by the permittee or agent within 60 days of issuance of final agency action requiring the credits. The modification request shall include:

- a. A list of all Department or Water Management District (WMD) permits (or other applicable regulatory actions) requiring mitigation credits from BCMB;
- b. The permit number (or other regulatory action), issue date, and Department or District contact; and
- c. Identification of the number and type of wetland credits required under each of these permits/actions.

An updated mitigation bank credit ledger sheet shall be included by FDEP as an attachment to each minor modification approval for credit withdrawal.

24. Mitigation Service Area (MSA). The MSA is the geographic area within which adverse impacts may be offset by the bank. The MSA for BCMB depicted on Figure 2 includes most of the St. Andrews Bay basin (HUC) south of Highway 20 and north of the bay, intra-coastal waterway, and the Airport Conservation Area. The eastern boundary is the Chipola River basin south of Hwy 20, and a small area of the Apalachicola River basin. It includes portions of Bay, Calhoun, and Gulf Counties.

The Wet Prairie/ Flatwoods and Forested Wetland credits are intended for use as mitigation for future unavoidable impacts to wetlands typical of these habitats. Appropriateness of the bank to offset impacts, as well as the number and type of required mitigation credits, is made on a case-by-case basis by the impact permit reviewing agency. Bank credits are not intended to offset impacts to river floodplain or impacts within the range of Panama City crayfish (generally south and west of the bank), which may require alternative or additional mitigation in accordance with technical review by Florida Fish and Wildlife Conservation Commission.

Inspections, Monitoring, and Maintenance

25. Adaptive Management and Maintenance. At a minimum, the QMS shall conduct quarterly inspections of the property until success attainment in each phase and semiannual inspections thereafter, in perpetuity, for the purpose of assessing and correcting the following management or maintenance needs. Inspections shall include boundary access, existing and constructed hydrology features, management roads, piezometers, areas of past exotic vegetation treatments, and several transects across the different community types. Monitoring data, observation and the QMS's professional judgment will dictate the type and frequency of management activities. The following management activities shall be required to achieve success and in the long term to ensure that success criteria are maintained:

Bear Creek Mitigation Bank - *DRAFT PERMIT*
 File# 0294280, Bay and Calhoun Counties
 Page 23 of 25

- a. Assessing target vegetation density, especially wiregrass, and replanting, plugging or seeding as necessary to achieve community goals and criteria in accordance with the Revegetation Plan (Attachment C).
- b. Assessing fuel loads and conducting prescribed burns in accordance with Specific Condition 11 and Attachment B at a frequency and season optimal to promote habitat goals, with a minimum return frequency of 3 years principally targeted for growing season burns;
- c. Conducting exotic and nuisance plant control, as necessary, to avoid infestation of these species. At no time shall the cover of these species exceed 5% in any one acre prior to remedial eradication activities,
- d. Reporting and timely maintenance, restoration, stabilization or repair of any damaged structures, gates, fencing, equipment, roads or erosion areas identified in the quarterly/semiannual inspection,
- e. Removing feral/exotic animals that threaten the mitigation activities or success, such as feral hogs; and
- f. Other management activities deemed necessary by the QMS to achieve success.

26. Monitoring. Qualitative and quantitative monitoring of the vegetation and community structure shall be required after initiation of a Phase until the bank is determined to have achieved success criteria in Specific Condition 16 a-f in any phase, and for the final success determination in Specific Condition 16.h. or has otherwise been transferred to long-term management by a permit modification associated with Specific Condition 22. The Department has reviewed the proposed monitoring plan in Attachment F and has been determined to be substantively adequate to evaluate progress toward restoration goals, identify potential roadblocks or impacts that may hamper attaining those goals, provide opportunities for scientific assessment of wetland functions and processes, and ultimately demonstrate that the Bank's success criteria have been met. However, after completing the initial baseline monitoring and reporting, and in consultation with the Department, the permittee shall submit, for the Department's written approval, an updated monitoring and reporting plan prior to conducting the next annual monitoring for this permit.

27. Status Reports. Beginning the first July or January after permit issuance, and every 6 months thereafter, including after success, the permittee shall submit semi-annual (two per year) status reports containing the following information regarding the project:

- a. The name, authorized representative, signature, and current contact information for the permittee; any agent of the permittee; and QMS individual(s);
- b. The chronology file (Specific Condition 29) of compliance activities;
- c. Hydrology data, per monitoring plan;

Bear Creek Mitigation Bank - DRAFT PERMIT

File# 0294280, Bay and Calhoun Counties

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- d. Date construction or management activities were begun or are anticipated to begin;
- e. Brief description and dates of each construction or management activity completed since the previous report (or since permit issuance);
- f. Site figures or drawings indicating areas where activities are ongoing or completed (i.e., areas burned, areas of harvest or shrub treatment, dates);
- g. A description of problems encountered and solutions undertaken; and
- h. A brief description of the work and management the anticipated to be commencing, continuing, or completing in the next six months; and
- i. Site inspection dates, findings and repairs.

28. Annual Reports. The Annual Report is a summary of the yearly monitoring for success and an assessment of the degree to which the bank is attaining success. This report shall be submitted after completion of the end-of-growing-season vegetation monitoring and shall be prepared according to the format required and approved in accordance with Specific Condition 26. This report is due by January 30 each year after permit issuance, until final bank-wide success is achieved.

The Annual Report that requests a determination of final success per phase and for final bank success in accordance with Specific Condition 16 shall also include the following information:

- a. a summary of all previous Annual Reports, including, as appropriate, timeline graphics;
- b. a list of each success criteria and documentation of how and when it was attained;
- c. a notation of problems encountered in attaining the success criteria and how the problems were solved, and a notation of any exceptionally successful management activity;
- d. a summary of compliance and/or enforcement submittals or actions during the implementation of the bank; and
- e. any other information helpful for the continued success of the mitigation.

The Report requesting the final success determination shall be submitted to both the Department and the long-term manager.

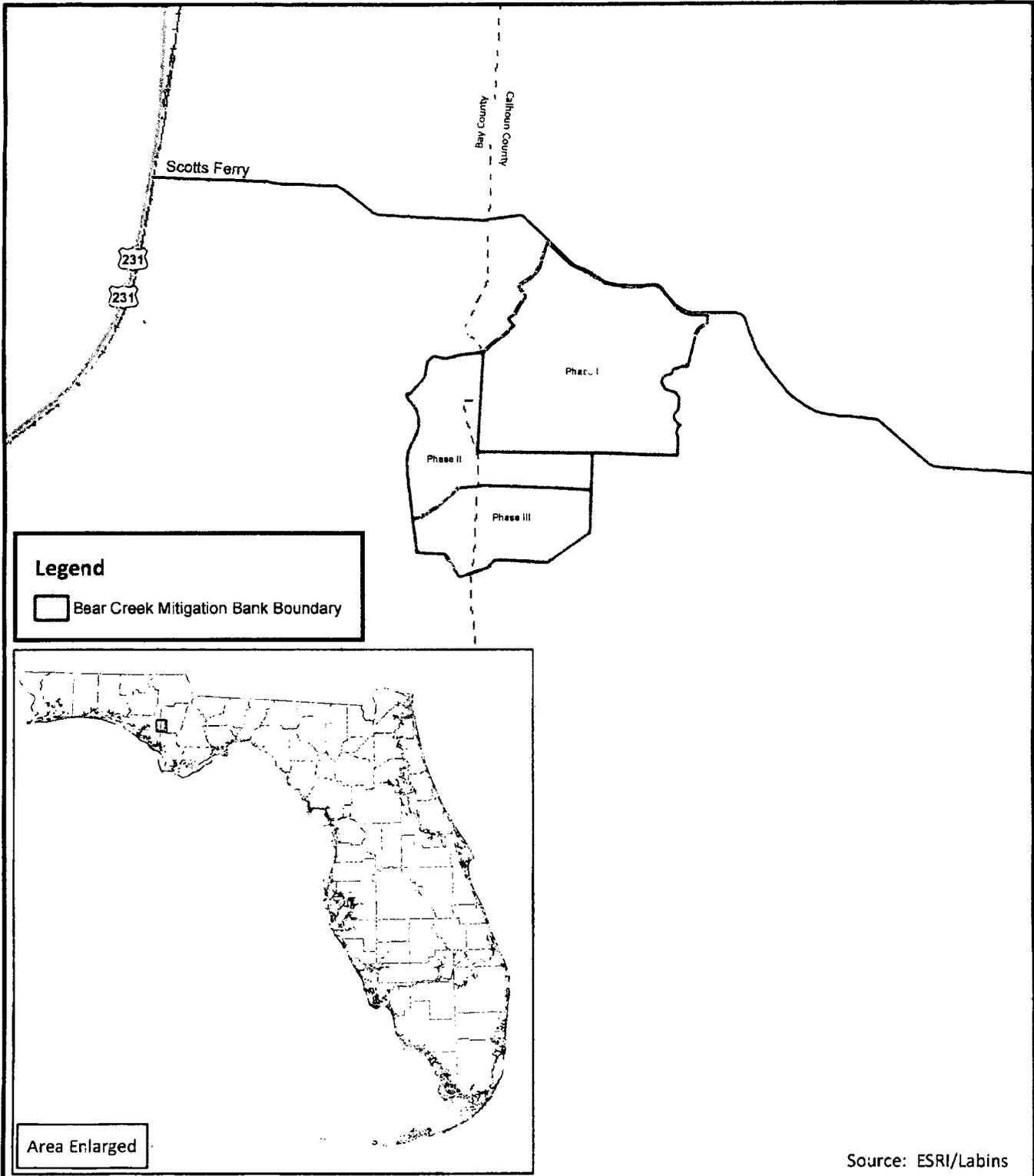
29. Chronology. The permittee shall maintain an electronic file (worksheet) that provides a list and submittal or receipt date of all documents, notifications and other correspondence required by this permit or associated with documentation of permit compliance. The chronology shall be submitted with each status report and credit release request.

Bear Creek Mitigation Bank - *DRAFT PERMIT*
File# 0294280, Bay and Calhoun Counties
Page 25 of 25

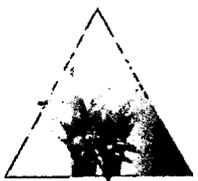
See Attached Permit Figures 1-9

List of Attachments: *(by request)*

- A. Community Descriptions**
- B. Prescribed Fire Management Plan**
- C. Planting Plan**
- D. UMAM Assessment Summary and Table**
- E. Ledger**
- F. Monitoring Plan**



Source: ESRI/Labins



Mitigation Resources

**Bear Creek Mitigation Bank
Location Map
Bay and Calhoun Counties, Florida**

M:\Projects\Bear Creek MB\RAI 3\Draft Permit Revisions\Figures\Figure 1 Location Map

Figure No. 1
Project No. BCMB-004-07

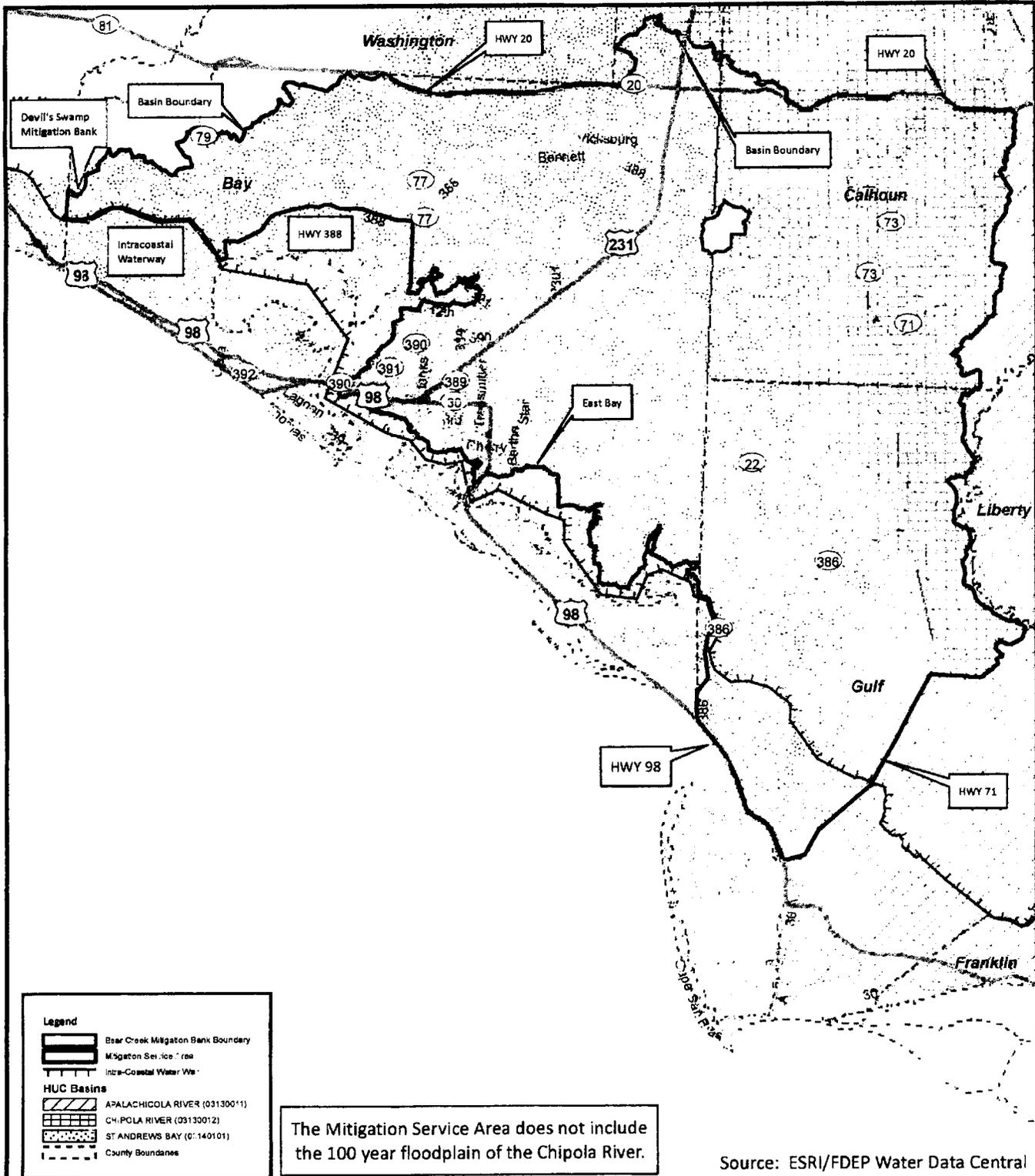


Scale:
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Date:
05/04/2010

Drawn By:
SEG

Approved By:
TFO



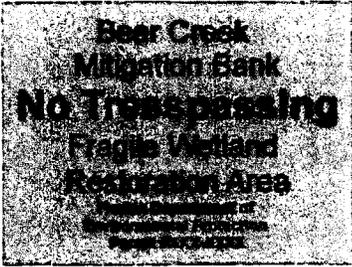
The Mitigation Service Area does not include the 100 year floodplain of the Chipola River.

Source: ESRI/FDEP Water Data Central

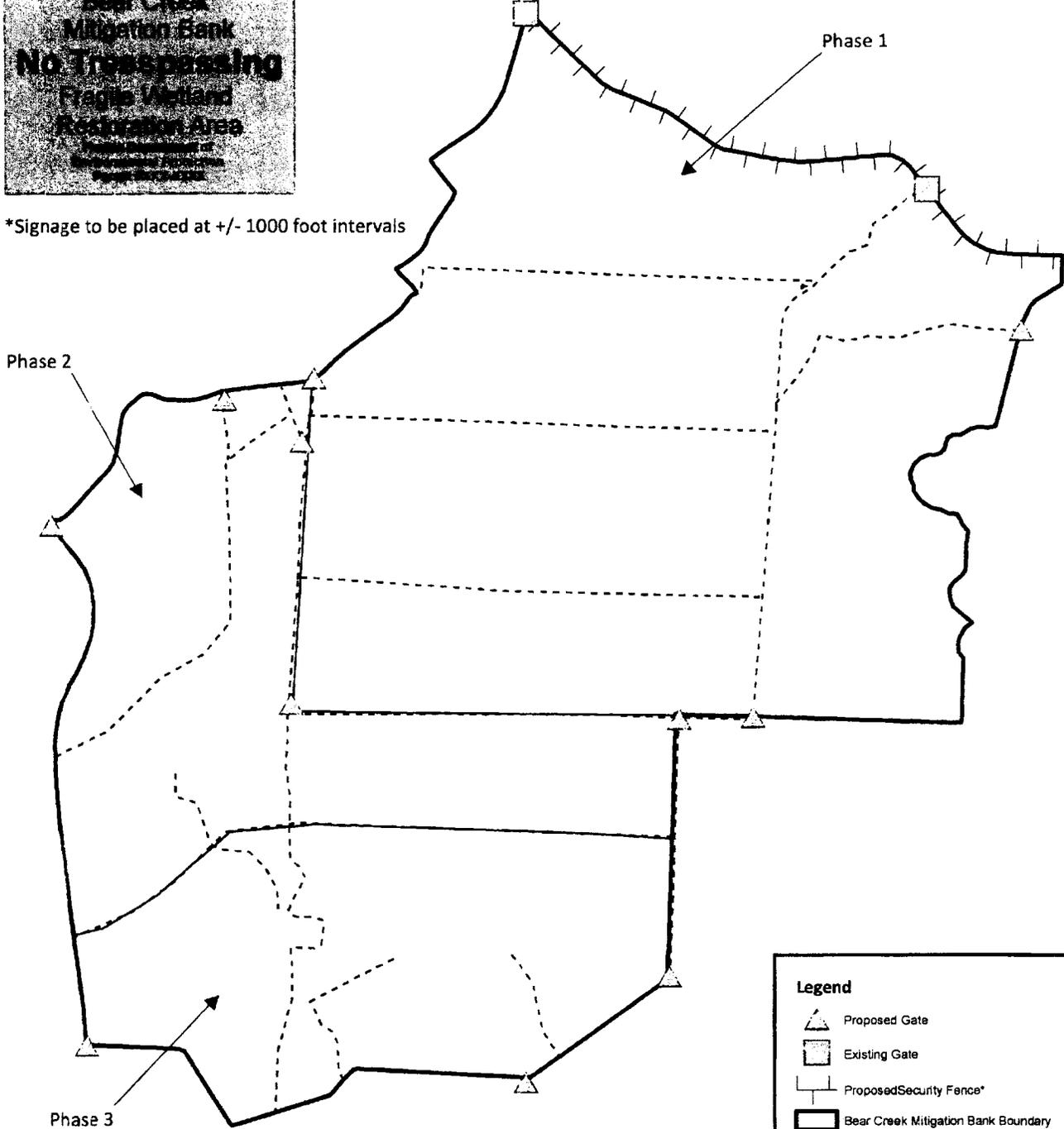
Bear Creek Mitigation Bank Mitigation Service Area Bay and Calhoun Counties, Florida

Figure Project No. 2 Project No. BCMB-004-07		
Scale: 0 2.5 5 Miles 	Date: 02/9/2012	
Drawn By: SEG	Approved By: TFO	

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*Signage to be placed at +/- 1000 foot intervals



Legend

- Proposed Gate
- Existing Gate
- Proposed Security Fence*
- Bear Creek Mitigation Bank Boundary
- Phase Boundary
- Existing Roads

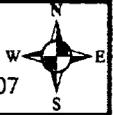
Source: Preble-Rish, Inc.



**Bear Creek Mitigation Bank
Security/Fencing Map
Bay and Calhoun Counties, Florida**

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Figure No. 3
Project No. BCMB-004-07

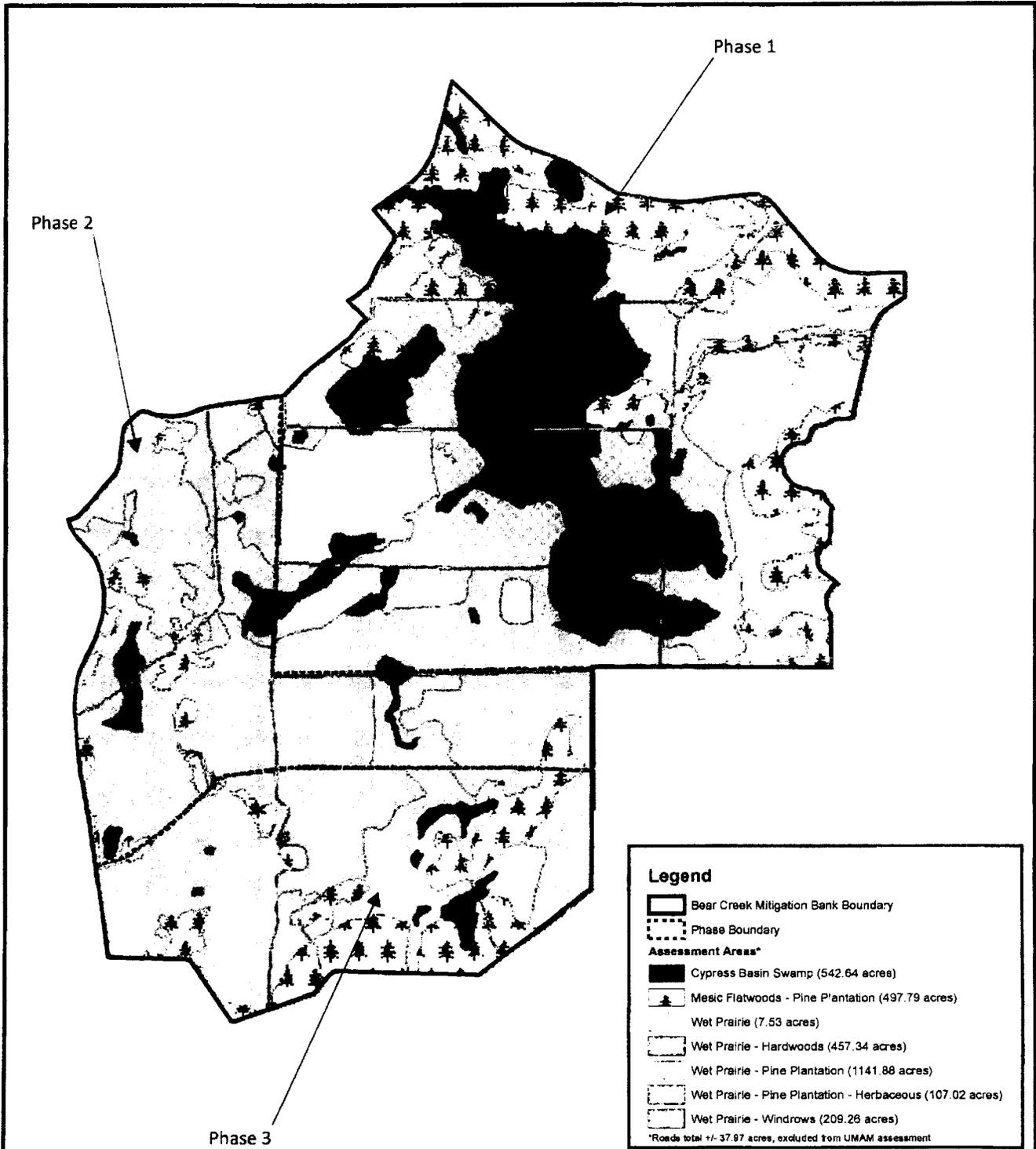


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NTS

Date:
04/20/2009

Drawn By:
KJD

Approved By:
MDG



Source: Preble-Rish, Inc.



Bear Creek Mitigation Bank Existing Conditions Bay and Calhoun Counties, Florida

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Figure No. 4		
Project No. BCMB-004-07		
Scale: 0 660 1,320 Feet	Date: 04/12/2010	
Drawn By: SEG	Approved By: TFO	

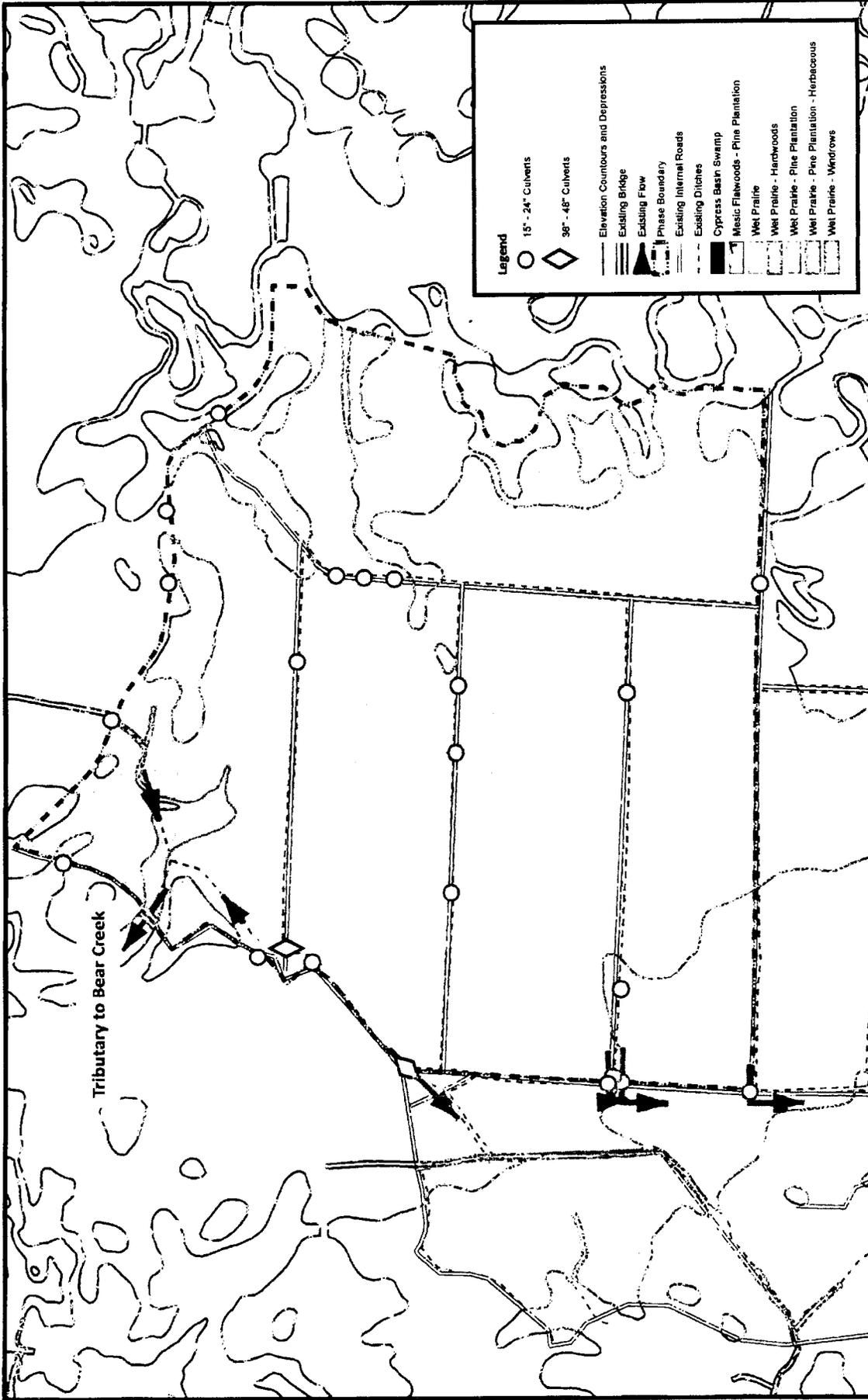


Figure No. 5a
Project No. BCMB-004-07

Scale: 0 660 1,320 Feet

Date: 07/15/2011

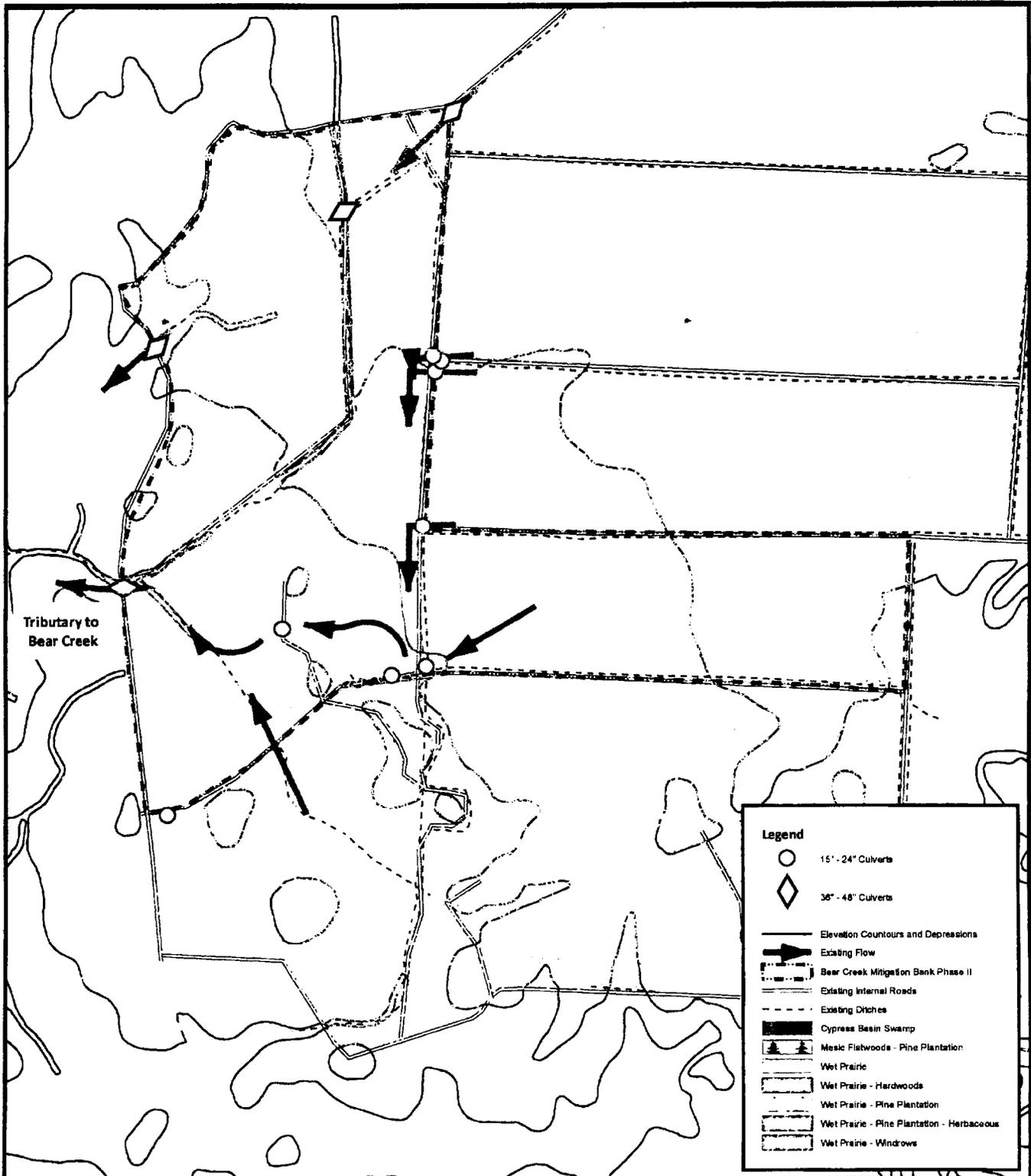
Drawn By: SEG

Approved By: TFO

Bear Creek Mitigation Bank
Existing Hydrologic Conditions - Phase I
Bay and Calhoun Counties, Florida

Mitigation Resources

M:\Projects\Bear Creek MB\Permit Final\Revised Permit\Figures\Figure 5a - Hydrologic Features Phase I Existing Revised



Legend

- 15" - 24" Culverts
- 36" - 48" Culverts
- Elevation Countours and Depressions
- Existing Flow
- Bear Creek Mitigation Bank Phase II
- Existing Internal Roads
- Existing Ditches
- Cypress Basin Swamp
- Mesic Flatwoods - Pine Plantation
- Wet Prairie
- Wet Prairie - Hardwoods
- Wet Prairie - Pine Plantation
- Wet Prairie - Pine Plantation - Herbaceous
- Wet Prairie - Windrows

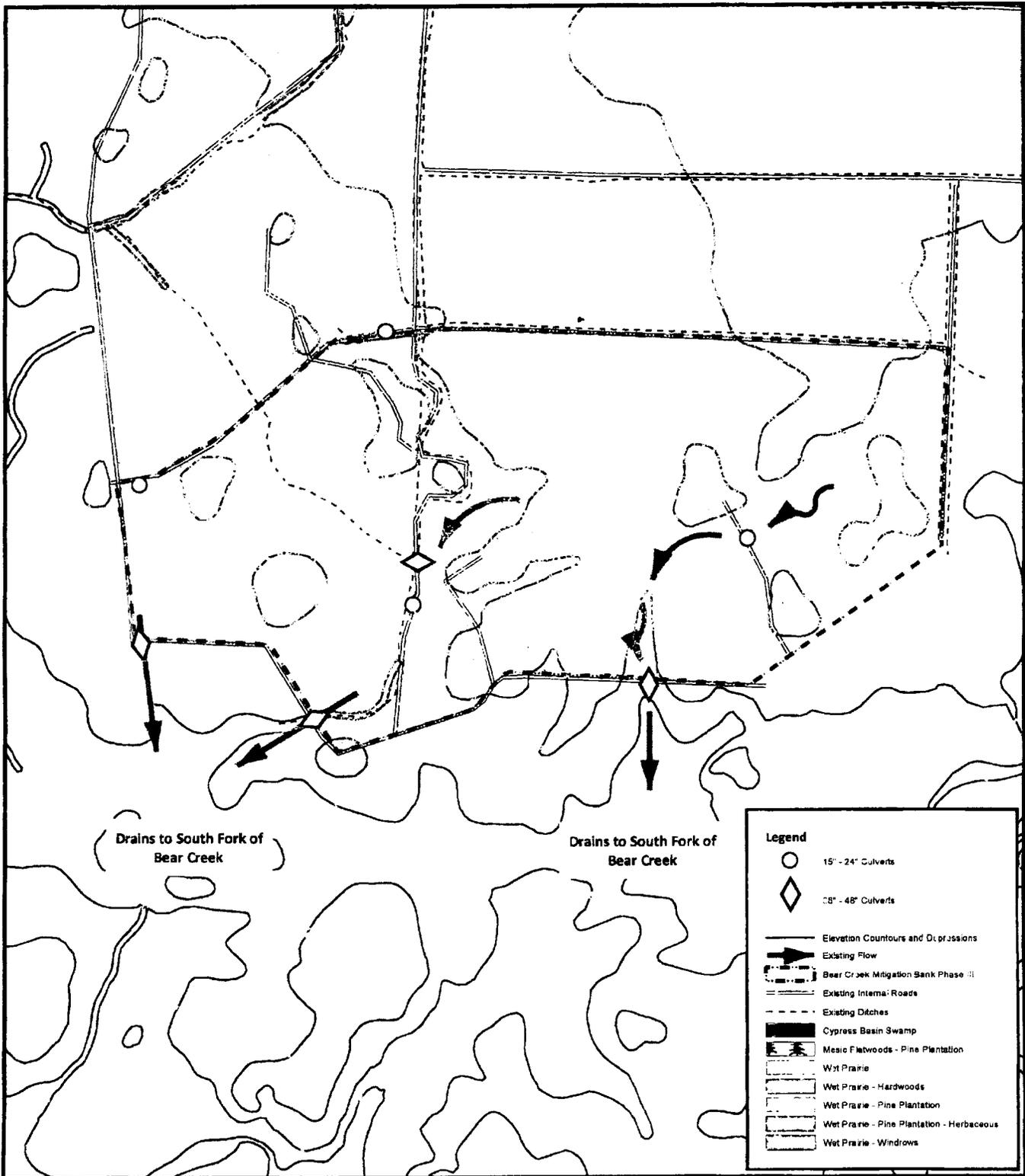


**Bear Creek Mitigation Bank
Existing Hydrologic Conditions - Phase II
Bay and Calhoun Counties, Florida**

M:\Projects\Bear Creek MB\RAI 3 (12-2010)\Figures\Figure 5b - Hydrologic Features Phase II Existing

Figure No. 5b
Project No. BCMB-004-07

Scale: 0 440 880 Feet	Date: 02/21/2011
Drawn By: SEG	Approved By: TFO



Drains to South Fork of Bear Creek

Drains to South Fork of Bear Creek

Legend

- 15" - 24" Culverts
- ◇ 36" - 48" Culverts
- Elevation Contours and Depressions
- Existing Flow
- ▬ Bear Creek Mitigation Bank Phase III
- ▬ Existing Internal Roads
- ▬ Existing Ditches
- Cypress Basin Swamp
- Mesic Flatwoods - Pine Plantation
- ▬ Wet Prairie
- ▬ Wet Prairie - Hardwoods
- ▬ Wet Prairie - Pine Plantation
- ▬ Wet Prairie - Pine Plantation - Herbaceous
- ▬ Wet Prairie - Windrows



**Bear Creek Mitigation Bank
Existing Hydrologic Conditions - Phase III
Bay and Calhoun Counties, Florida**

M:\Projects\Bear Creek MB\RAI 3 (12-2010)\Figures\Figure 5c - Hydrologic Features Phase III Existing

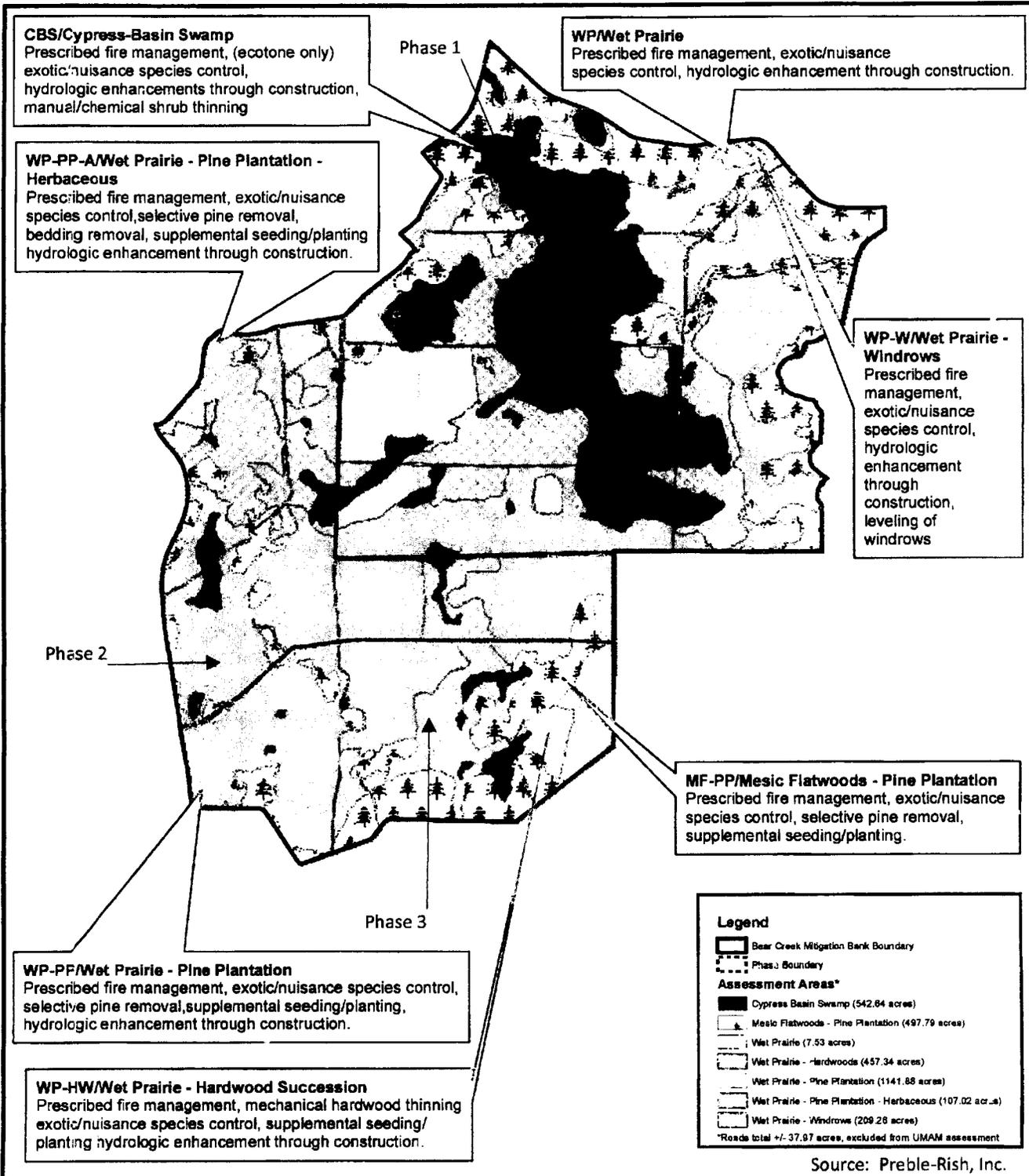
Figure No. 5c
Project No. BCMB-004-07

Scale: 0 440 880 Feet

Date: 02/21/2011

Drawn By: SEG

Approved By: TFO



**Bear Creek Mitigation Bank
Mitigation Activities
Bay and Calhoun Counties, Florida**

M:\Projects\Bear Creek MB\RAI 2 (8-2009)\Figures\Draft Permit Figures\Figure 6 Vegetation Enhancements

Figure No. 6
Project No. BCMB-004-07

Scale:
0 600 1,320 Feet

Date:
04/12/2010

Drawn By:
SEG

Approved By:
TFO

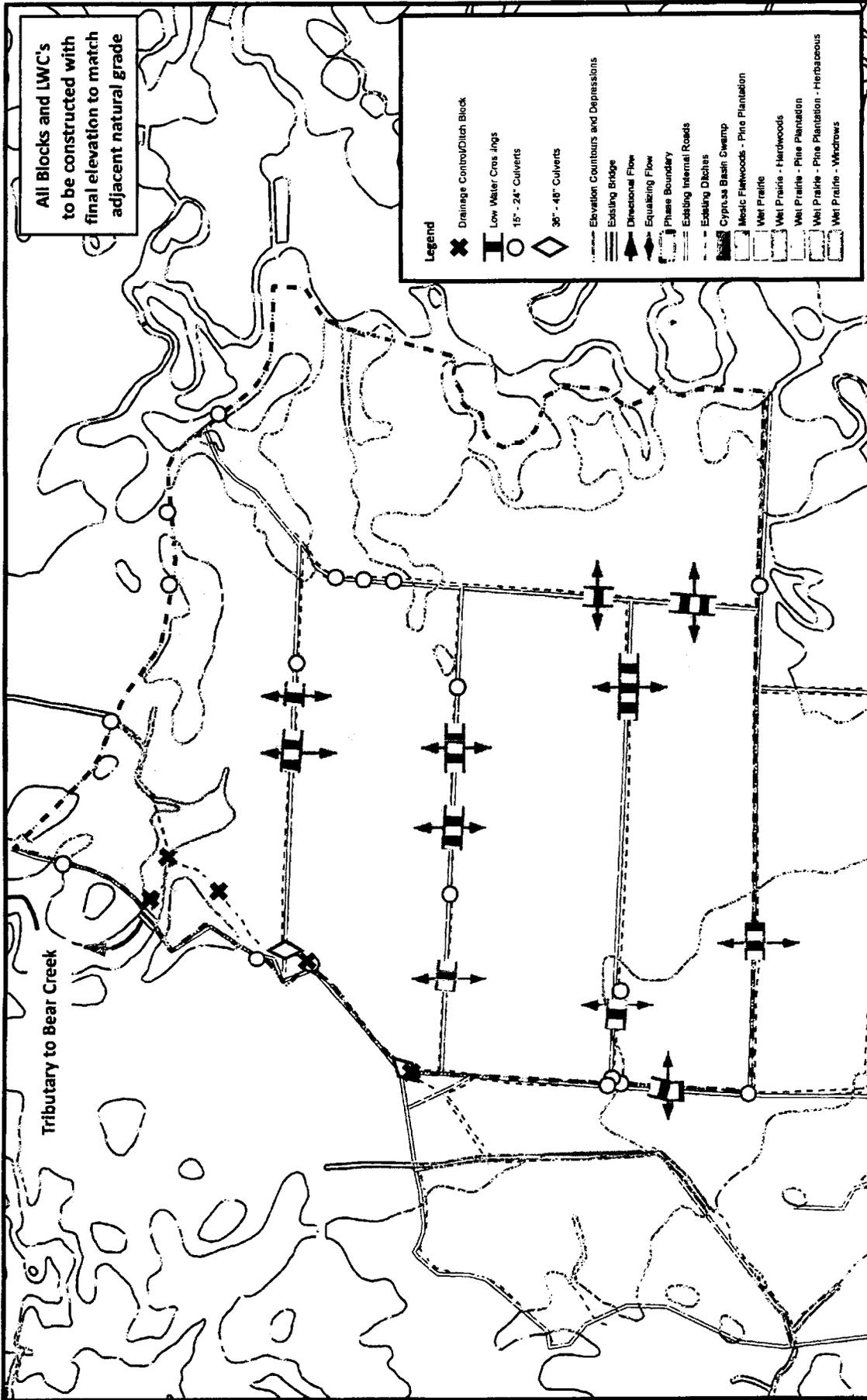


Figure No. 7a
Project No. BCMB-004-07

Scale: 0 680 1,320 Feet

Date: 07/15/2011

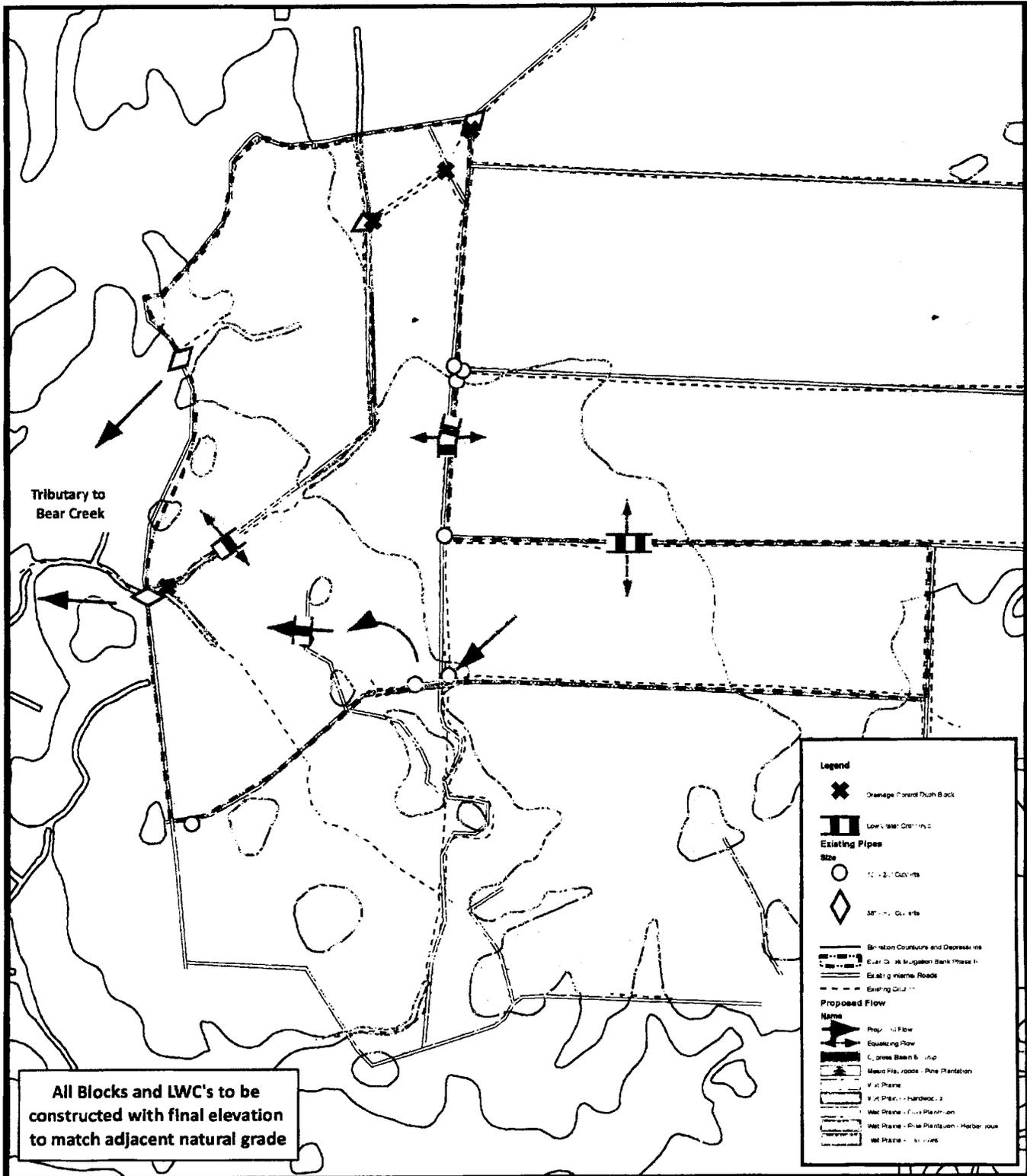
Drawn By: SEG

Approved By: TFO

**Bear Creek Mitigation Bank
Proposed Hydrologic Conditions - Phase I
Bay and Calhoun Counties, Florida**



M:\Projects\Bear Creek MB\Permit Final\Revised Permit\Figures\Figure 7a - Hydrologic Features Phase I Proposed Revised



**Bear Creek Mitigation Bank
Proposed Hydrologic Conditions - Phase II
Bay and Calhoun Counties, Florida**

M:\Projects\Bear Creek MB\RAI 3 (12-2010)\Figures\Figure 7b - Hydrologic Features Phase II Proposed

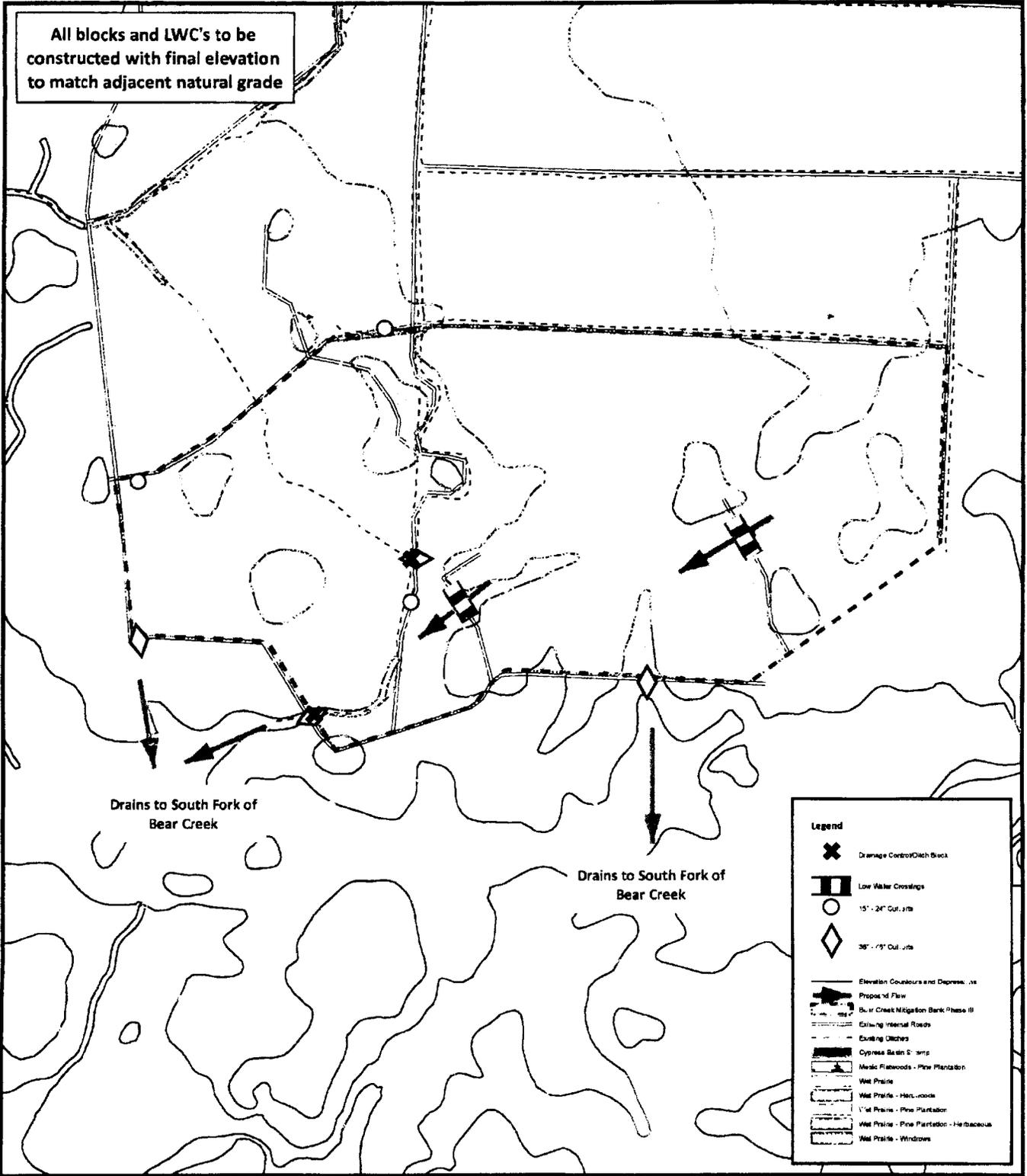
Figure No. 7b
Project No. BCMB-004-07

Scale: 0 440 880 Feet

Date: 02/21/2011

Drawn By: SEG

Approved By: TFO

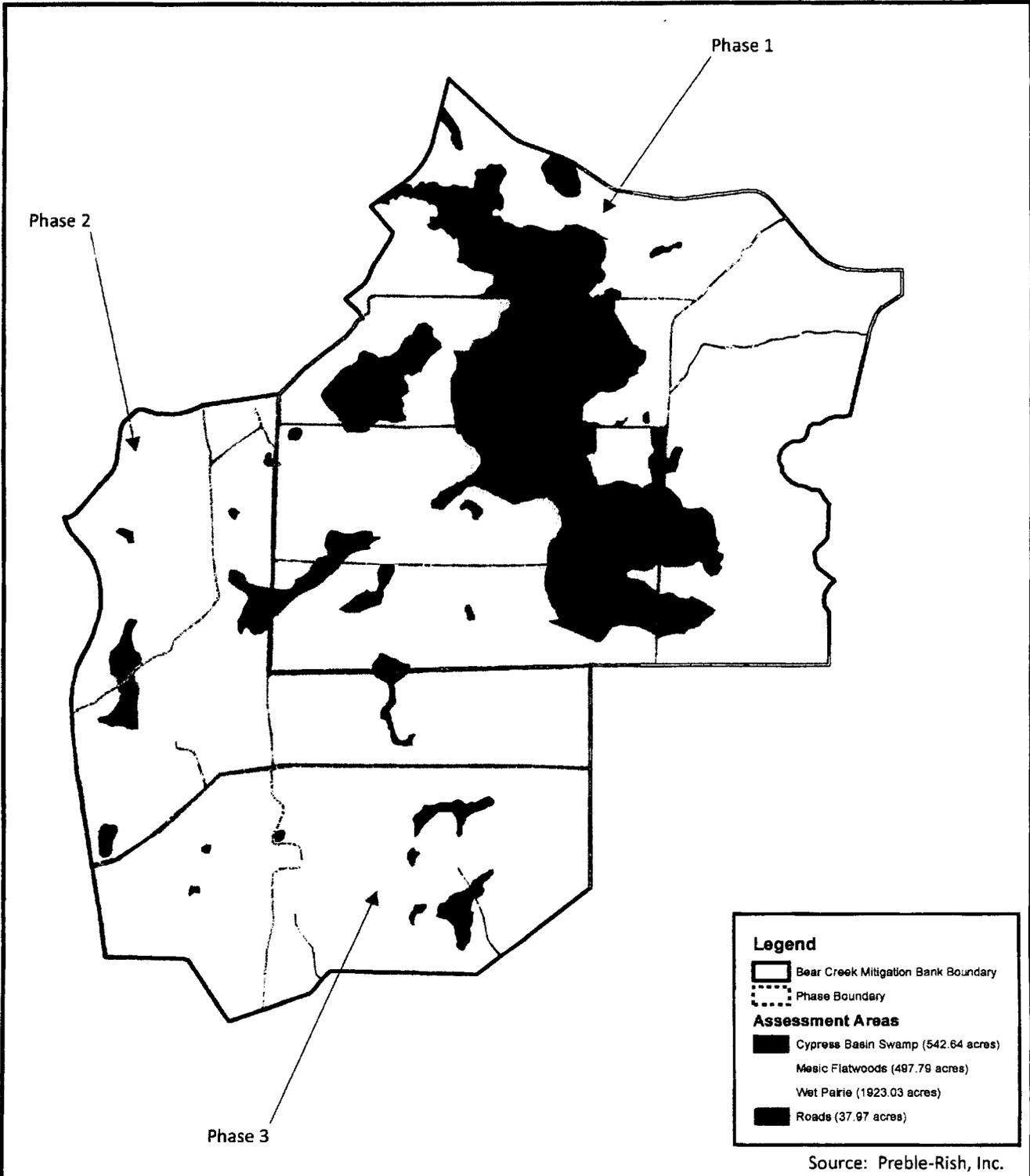


Bear Creek Mitigation Bank
Proposed Hydrologic Conditions - Phase III
Bay and Calhoun Counties, Florida

Figure No. 7c
 Project No. BCMB-004-07

Scale: 0 440 880 Feet	Date: 02/21/2011
Drawn By: SEG	Approved By: TFO

M:\Projects\Bear Creek MB\RAI 3 (12-2010)\Figures\Figure 7c - Hydrologic Features Proposed Phase III



Legend

- Bear Creek Mitigation Bank Boundary
- Phase Boundary

Assessment Areas

- Cypress Basin Swamp (542.64 acres)
- Mesic Flatwoods (497.79 acres)
- Wet Prairie (1923.03 acres)
- Roads (37.97 acres)

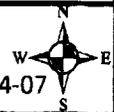
Source: Preble-Rish, Inc.



**Bear Creek Mitigation Bank
Proposed Communities
Bay and Calhoun Counties, Florida**

M:\Projects\Bear Creek MB\RA\3\Draft Permit Revisions\Figures\Figure 8 Proposed Communities

Figure No. 8
Project No. BCMB-004-07



Scale:
0 660 1,320 Feet

Date:
04/12/2010

Drawn By:
SEG

Approved By:
TFO

Figure 9 - Community Specific Success Criteria and Cross Section

Community/Targets	Cypress Basin Swamp	Wet Prairie	Mesic Flatwoods
Assessment Area I.D.	CBS	WP / WP-PP / WP-PP-A / WP-HW / WP - W	MF-PP
Herbaceous Groundcover	Appropriate and as described in Attachment A	80% total cover, >70% relative cover of herbaceous species (grass dominated)	80% total cover, >70% relative cover of herbaceous species
Species Diversity	Appropriate and as described in Attachment A	50 or more appropriate non-canopy FACW or OBL species with wiregrass as one of top five dominants	40 or more appropriate non canopy species with wiregrass as one of top five dominants
Shrubs	<50% cover-combined stata; reduced to coppice	Reduced to coppice <1.5m high and <20% aerial coverage	Reduced to coppice <1.5m high and <30% aerial coverage not counting palmetto
Canopy	<20 Slash pine/ac; 60% cypress-dominated canopy cover or >30%, increasing annually	<20 slash pine stems per acre; <30 total trees/ac. excluding cypress	30-70 stems per acre, 50 long leaf pine per acre taller than the grass stage, long leaf pine >80% of all saplings
Prescribed Fire Events	Prescribed fire to burn into CBS margins to control titi, decrease fuel and duff, promote groundcover	3 or more with > 80% cover; herbaceous response	3 or more with a minimum of 80% cover as qualitatively measured post burn
Hydrology	Meets wetland criteria; water levels equal across roads; no apparent drawdown due to ditch drainage	Meets wetland criteria; water levels equal across roads; no aparent drawdown* due to ditch drainage	N/A



STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NOTICE OF INTENT TO ISSUE PERMIT

The Department of Environmental Protection gives notice of its intent to issue an Environmental Resource/Mitigation Bank Permit (#294280-001) to Bear Creek Timber, LLC. The project is to establish the Bear Creek Mitigation Bank ("BCMB") on a ~ 3,000 acre site in 3 phases. The mitigation bank project includes the preservation of the site and the restoration or enhancement of cypress basin swamp, wet prairie and mesic flatwoods. Credits generated at BCMB may be used as mitigation for future unavoidable impacts to wetlands typical of these systems within the service area. Enhancement and restoration will be accomplished through selective canopy thinning in existing upland and wetland pine plantation areas, nuisance and invasive exotic vegetation species control, supplemental planting, prescribed fire, and hydrologic enhancements through low-water crossings and ditch blocks. Management of the BCMB site includes prescribed fire and control of nuisance and invasive exotic vegetation species. The mitigation was assessed by the Uniform Mitigation Assessment Method (UMAM) (Chapter 62-345, F.A.C.) as having a total potential of 561.2 credits: 460.6 Wet Prairie/Flatwoods Credits and 100.6 Forested Wetland Credits.

The bank site is located in Bearthick Swamp, northeast of Panama City, south of Scotts Ferry Road at the Bay and Calhoun county line, specifically: Sections 5, 6, 7, 8, 18 and 19, Township 2 S, Range 11 W, Calhoun County; and Section 12, 13 and 24, Township 2 S, Range 11 W, Bay County. The site is at the boundary of the St. Andrew's Bay (HUC #03140101) and Chipola River (HUC #03130012) basins, and has a service area that includes portions of both basins and a small portion of the Apalachicola River basin within Bay, Calhoun and Gulf Counties.

The application and draft permit is available for public inspection during normal business hours at the Department's Office of Submerged Lands and Environmental Resources, Bob Martinez Building, 2600 Blair Stone Road, MS 2500, Tallahassee, FL, 32399-2400.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) in accordance with Sections 120.569 and 120.57, Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, within 21 days of publication of this notice. Petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under Sections 120.569 and 120.57, Florida Statutes.

The Petition shall contain the following information: (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number and the county in which the project is located; (b) A statement of how and when each petitioner received notice of the Department's action; (c) A statement of how each petitioner's substantial interests are affected by the Department's action (changes to the conditions placed on this permit); (d) A statement of the material facts disputed by Petitioner, if any; (e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action (changes to the conditions placed on this permit); (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action (changes to the conditions placed on this permit); and (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action.

Persons whose substantial interests will be affected by the permit have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of publication of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Sections 120.569 and 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-5.207, F.A.C.

Mediation is not available.

DEADHEAD LOGGING

Form #62-346.900(1)

Form Title: Joint Application for Environment **64**
 Resource Permit / Authorization to Use
 State-Owned Submerged Lands / Federal
 Dredge & Fill Permit in Northwest Florida.
 Effective Date: November 1, 2010
 Incorporated by reference in 62-346.070(2)(a), F.A.C.

NOTE: The information requested in Sections A through F of this application package is not intended to be all-inclusive. Additional information may be requested by the reviewing agency in order to complete your application.

FOR AGENCY USE ONLY

DEP/WMD Application #	Fee Required
Date Application Received	Fee Received \$
Proposed Project Lat.	Fee Receipt #
Proposed Project Long.	

SECTION A - GENERAL INFORMATION

PART 1 - GENERAL INFORMATION

- A. **Type of permit (check one).** See Attachment 3 for thresholds and descriptions.
- Individual — Construction and Operation (see Rule 62-346.050, F.A.C., and section 3 of Applicant's Handbook Volume I)
- Individual — Conceptual Approval (see Rule 62-346.050, F.A.C., and section 3 of Applicant's Handbook Volume I)

NOTE: Do not use this form if you are submitting a notice of intent. (See General Permit and Chapter 62-340, F.A.C. Form #62-346.900(2), see Rule 62-346.050, F.A.C., and section 3 of Applicant's Handbook Volume I)

- B. **Type of activity for which you are applying (check at least one; if a prior permit #, please circle either "Department" or "NFWFMD" as the prior issuing entity for the appropriate activity type, below):**
- Construction and operation of a new system
 - Operation of an existing system. Please provide existing Department or NFWFMD permit #, if known:
 - Alteration of an existing system. Please provide existing Department or NFWFMD permit #, if known:
 - Maintenance or repair of a system previously permitted by Department or the NFWFMD. Please provide existing Department or NFWFMD permit #, if known:
 - Abandonment of a system. Please provide existing Department or NFWFMD permit #, if known:
 - Construction of additional phases of a system. Please provide the existing Department or NFWFMD permit #, if known:
 - Removal of a system. Please provide existing Department or NFWFMD permit #, if known:
 - Retrofit of a system. Please provide existing Department or NFWFMD permit #, if known:
 - Modification of a permit. Please provide existing Department or NFWFMD permit #, if known:
 - Major — see subsection 62-346.095(5) and paragraph 62-346.100(1)(a), F.A.C.
 - Minor — see subsection 62-346.100(1)(d), F.A.C.
 - Extension of permit duration — see subsection 62-346.100(1)(d) and Rule 62-346.110, F.A.C.
 - Transfer — see subsection 62-346.100(1)(d) and Rule 62-346.130, F.A.C.
 - Deadhead Logging.**

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- C. **Does the activity involve any work in wetlands or other surface waters?** (see Chapter 62-340, F.A.C.)
- Yes No If "yes," please provide, as applicable:
- Total area of dredging, filling, construction, alteration, or removal in, on, or over wetlands or other surface waters?
 _____ sq. ft.; _____ ac.
- Total volume of material to be dredged: _____ cubic yards
- Number of new boat slips proposed: _____ wet slips; (also, if applicable: _____ new dry slips in uplands)
- Number of existing boat slips to be altered: _____ wet slips

RECEIVED

FEB 21 2012

**NORTHWEST FLORIDA
 DEP**

64
 3/13/12 CC



US Army Corps of Engineers



PART 2. APPLICANT AND/OR CONTACT PARTY INFORMATION

Name: **Brent Davis**

Title and Company: **Cypress Connections**

Address: **791 BRYANT'S LANDING**

City, State, Zip: **NEW BRITAIN, CT 06240**

Home Telephone: **(850) 348-9811** Work Telephone: **SAME**

Cell Phone: **SAME** Fax: **NONE**

E-mail Address:

Name: **Terry Pickins**

Title and Company: **SAME**

Address: **SAME**

City, State, Zip: **SAME**

Home Telephone: **SAME** Work Telephone:

Cell Phone: **SAME** Fax:

E-mail Address:

Name: **SAMMY CUNARD**

Title and Company: **SAME**

Address:

City, State, Zip:

Home Telephone: Work Telephone:

Cell Phone: Fax:

E-mail Address:

Name:

Title and Company:

Address:

City, State, Zip:

Home Telephone: Work Telephone:

Cell Phone: Fax:

E-mail Address:

Name:

Title and Company:

Address:

City, State, Zip:

Home Telephone: Work Telephone:

Cell Phone: Fax:

E-mail Address:



US Army Corps of Engineers



NAME

Name: Brent Davis

Title and Company: Cypress Connections

Address: 791 Bryant's Landing

City, State, Zip: Wewahatcha, FL 32465

Home Telephone: (850) 348-9811 Work Telephone: _____

Cell Phone: Same Fax: _____

E-mail Address: _____

PART 3: PROJECT SPECIFIC INFORMATION

A. Name of project, including phase if applicable: Deadhead Logging

B. Is this application for part of a multi-phase project? Yes No

Note: If you answered "yes" to question B, please provide permit numbers for other authorized phases below:

Agency	Date	No.	Application Type

C. Total area owned or controlled by the applicant contiguous to the project: _____ ac.

D. Project area or phase: _____ ac.

E. Impervious area excluding wetlands and other surface waters: _____ ac.

F. Volume of water the system is capable of impounding: _____ ac. ft.

PART 4: PROJECT LOCATION

Name of Waterway: Chipola River

City, Zip Code, if applicable: _____

Tax Parcel Identification Number: _____ [If project is on one parcel of land. Number may be obtained from property tax bill or from the county property appraiser's office; if on multiple parcels, provide multiple Tax Parcel Identification Numbers]

County(ies) Duval & Calhoun

Section _____ Township _____ Range _____	Section _____ Township _____ Range _____	<u>See Attached.</u>
Section _____ Township _____ Range _____	Section _____ Township _____ Range _____	
Section _____ Township _____ Range _____	Section _____ Township _____ Range _____	
Section _____ Township _____ Range _____	Section _____ Township _____ Range _____	

START River Reach: Latitude (DDD.dddd) _____ Longitude (DDD.dddd) _____

STOP River Reach: Latitude (DDD.dddd) _____ Longitude (DDD.dddd) _____

Explain source for obtaining latitude and longitude: _____ (i.e. U.S.G.S. Quadrangle Map)

Horizontal Datum (NAD 1927 or 1983) _____ (Taken from Central Location)

PART 5: PROJECT DESCRIPTION

Note: In this section, please describe in general terms the proposed project. Attach additional pages if necessary.

General explanation of work: Removal of deadhead Cypress logs from bottoms of Chipola River Swamp in designated area.



US Army Corps
of Engineers

N/A



67

Treatment type proposed:

Current site conditions and land uses:

Proposed Land Use:

Description of sediment and erosion Best Management Practices (BMPs) to be used:

Names and classifications of all receiving waters (if available):

PART C. PERMIT HISTORY

A. If there have been any pre-application meetings, including on-site meetings, with regulatory staff, please list the date(s), location(s), and names of key staff and project representatives as well a brief summary of any meetings:

Name	Agency	Date	Location	Summary

B. Please identify by number any MSSW/Wetland Resource/62-25 F.A.C./USACE permits pending, issued or denied for projects at the location, and any related enforcement actions:

Agency	Date	No. Application Type	Action Taken

C. Please attach a copy of each permit issued for this project or explain why copies are not available.



A. By signing this application form, I am applying, or I am applying on behalf of the applicant, for authorization to conduct the activity identified above, according to the supporting data and other incidental information filed with this application. I am familiar with the information contained in this application and represent that such information is true, complete and accurate. I understand this is an application and not a permit, and that work prior to approval is a violation. I understand that this application and any permit issued pursuant thereto, does not relieve me of any obligation for obtaining any other required federal, state, water management district or local permit prior to commencement of construction. I agree, or I agree on behalf of the applicant, to operate and maintain the permitted system unless the permitting agency authorizes transfer of the permit to a different operation and maintenance entity. I understand that knowingly making any false statement or representation in this application is a violation of Section 373.430, F.S. and 18 U.S.C. Section 1001.

Brent Davis

Typed/Printed Name of Applicant (If no Agent is used) or Agent (If one is so authorized below)

(x) Brent Davis
Signature of Applicant/Agent

2/17/12
Date

(Corporate Title if applicable)

AN AGENT MAY SIGN ABOVE ONLY IF THE APPLICANT COMPLETES THE FOLLOWING:

B. I hereby designate and authorize the agent listed above to act on my behalf, or on behalf of my corporation, as the agent in the processing of this application for the permit indicated above; and to furnish, on request, supplemental information in support of the application. In addition, I authorize the above-listed agent to bind me, or my corporation, to perform any requirements which may be necessary to procure the permit or authorization indicated above. I understand that knowingly making any false statement or representation in this application is a violation of Section 373.430, F.S. and 18 U.S.C. Section 1001.

(x) Terry Pickens
Typed/Printed Name of Applicant

Terry Pickens
Signature of Applicant

02-17-12
Date

(Corporate Title if applicable)

Please note: The applicant's original signature (not a copy) is required above.

PERSON WITH AUTHORITY TO AUTHORIZE ACCESS TO THE PROPERTY MUST ALSO COMPLETE THE FOLLOWING:

C. I certify that I [check one of the following]:

Possess sufficient real property interest in or control over the land upon which the activities described in this application are proposed.

Note:

Interest in real property is typically evidenced by an instrument such as: a warranty deed; lease (subject to the limitations below); easement; judgment of the court; certificate of title issued by a clerk of the court; OR condominium, homeowners, or similar association documents, which demonstrate that the person or entity has sufficient interest in or control over the property to authorize the proposed activities to be permitted. An entity's contract for sale and purchase shall not be considered to have sufficient real property interest or control over the land that is subject to the application, but such entity shall be allowed to submit an application under this chapter (see next check box). Entities with the power of eminent domain and condemnation authority are considered capable of demonstrating that they will have sufficient real property interest or control prior to construction. **Note—the above documents do NOT have to be submitted at this time**, but must be made available if requested by the Department. Persons requesting activities on state-owned submerged land must also submit satisfactory evidence of sufficient upland interest in accordance with paragraph 18-21.004(3)(b), F.A.C. (April 14, 2008).



US Army Corps
of Engineers.



When the real property interest is a lease, the application must either:

- a. Include the fee simple owner as a co-applicant;
- b. Provide documentation that a governmental entity agrees to accept the transfer of the permit, including completing construction in accordance with the permit if needed, and to operate and maintain the system upon its completion;
- c. Provide documentation that the lease over the land and system extends for the expected life of the system; or
- d. Provide documentation that the operation and maintenance of the system is will be turned over to a new lessee or the landowner upon revocation, termination, or expiration of the lease.
- e. If the lease does not specifically designate an entity to complete construction of the system in accordance with the permit in the event the construction is not so completed by the lessee, or does not specify operation and maintenance requirements for the system, including designation of a specific operation and maintenance entity, a separate binding document also will be required establishing that the landowner is liable for completing construction or alteration of the system and for operating and maintaining the system in accordance with the permit.

Do NOT have sufficient real property interest, as described above (including such things as a contract for sale and purchase or an option agreement) in the land upon which the activities described in this application are proposed. Attached is:

1. A certification from the owner, lessee, or easement holder of such lands, acknowledging that they have knowledge of this application and voluntarily grant the permission, below, for staff of the Department of Environmental Protection, the Northwest Florida Water Management District, and the U.S. Army Corps of Engineers to access and conduct necessary site visits for the review, inspection, and sampling of the lands and waters on the property that are the subject of the application and, as a condition of any permit issued, that they agree to provide entry to such lands for staff to monitor and inspect permitted work; and

2. Documentation from the fee simple owner, easement holder, governmental entity, or other entity as provided for in section 12.3 of Applicant's Handbook Volume I, that they are liable for accepting responsibility for operation and maintenance of the system after completion of construction, and for and performing other terms and conditions as required by the permit.

Note: Neither 1. nor 2., directly above, must be submitted when the applicant is an entity with the power of eminent domain and condemnation authority, but such entity shall make appropriate arrangements to enable the above staff to access and inspect the property as needed to access and conduct necessary site visits for the review, inspection, and sampling of the lands and waters on the property that are the subject of the application. Such entity also agrees, as a condition of any permit issued, to provide entry to these lands for the above staff to monitor and inspect permitted work.

Brent Davis
Typed/Printed Name of Applicant

(X) Brent Davis
Signature of Applicant

2/17/12
Date

(Corporate Title if applicable)



US Army Corps
of Engineers.



Environmental Resource Permit Notice of Receipt of Application

Note: This form does not need to be submitted for noticed general permits.

This information is required in addition to that required in other sections of the application. Please submit five copies of this notice of receipt of application and all attachments with the other required information. Please submit all information on 8 1/2" x 11" paper.

Project Name

County

Owner

Applicant:

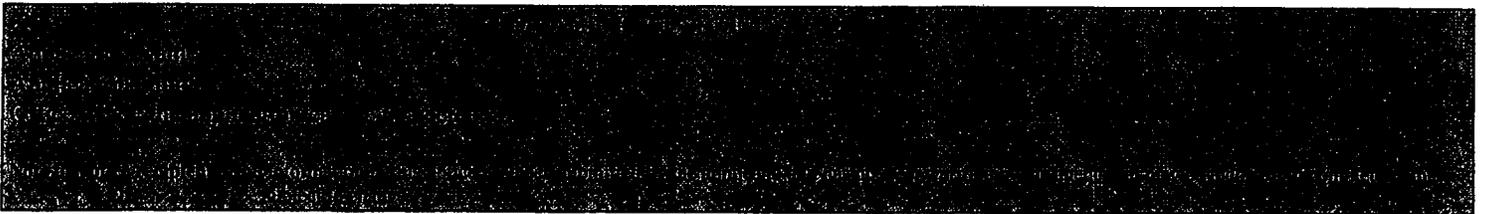
Applicant's Address:

1. Indicate the project boundaries on a USGS quadrangle map. Attach a location map showing the boundary of the proposed activity. The map should also contain a north arrow and a graphic scale; show Section(s), Township(s), and Range(s); and must be of sufficient detail to allow a person unfamiliar with the site to find it.
2. Provide the names of all wetlands, or other surface waters that would be dredged, filled, impounded, diverted, drained, or would receive discharge (either directly or indirectly), or would *otherwise be impacted* by the proposed activity, and specify if they are in an Outstanding Florida Water or Aquatic Preserve:

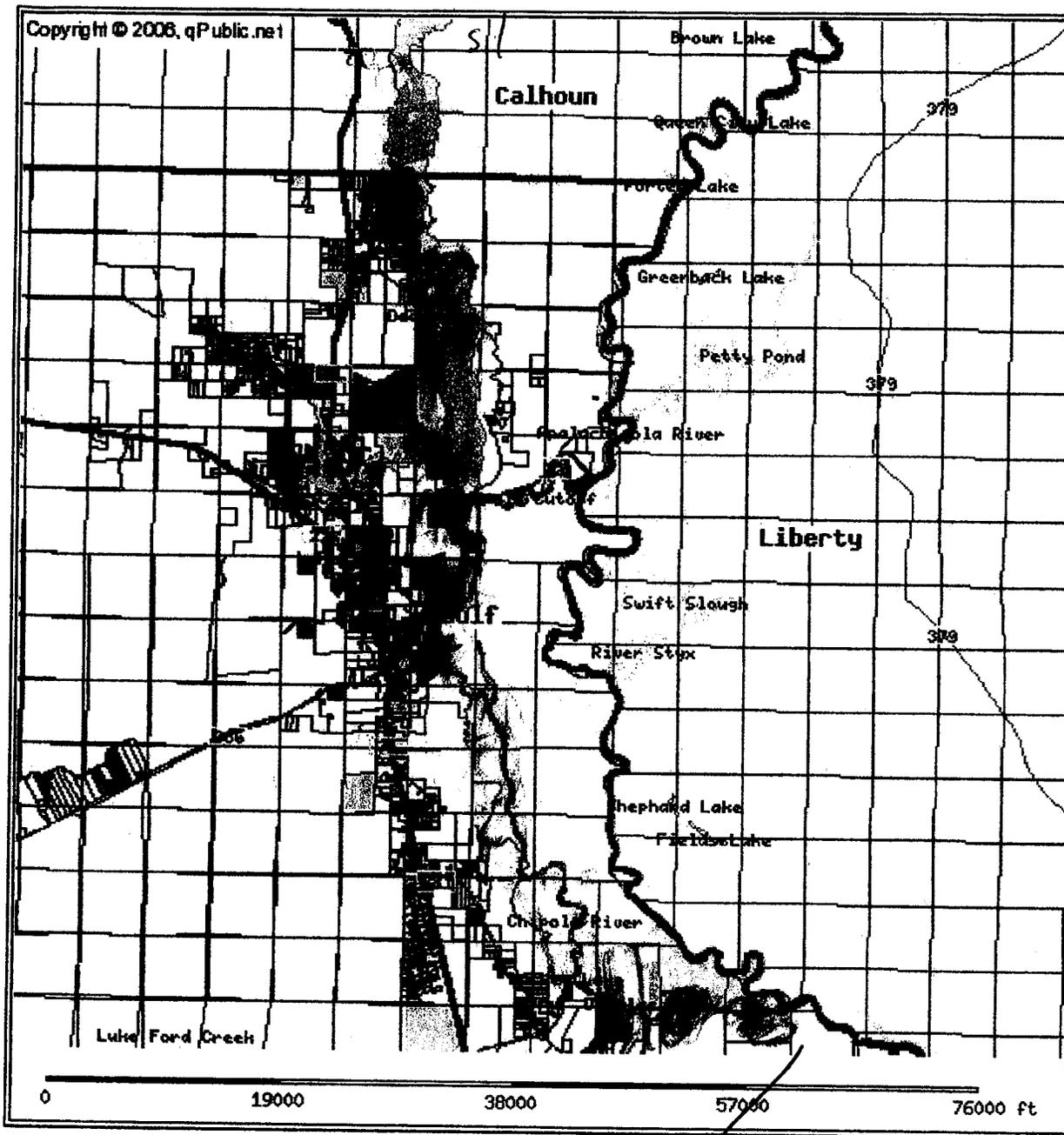
3. ~~Attach a depiction (plan and section views), which clearly shows the works or other facilities proposed to be constructed. Use multiple sheets, if necessary. Use a scale sufficient to show the location and type of works.~~
4. Briefly describe the proposed project (such as "construct dock with boat shelter", "replace two existing culverts", "construct surface water management system to serve 150 acre residential development");
Recover and Remove Pre-cut Submerged Timber from previously mentioned water body.
5. ~~Specify the acreage of wetlands or other surface waters, if any, that are proposed to be filled, excavated, or otherwise disturbed or impacted by the proposed activity:~~

Filled _____ acres; Excavated _____ acres; Other impacts _____ acres

6. Provide a brief statement describing any proposed mitigation for impacts to wetlands and other surface waters (attach additional sheets if necessary): _____



STOP



No data found for parcel <BODY BGCOLOR="", contact Assessor's Office for more information.

Start

Subject: General Liability quote
From: Nancy Cummings (nancy.sullivanins@hotmail.com)
To: froghop345@yahoo.com;
Date: Wednesday, February 1, 2012 2:05 PM

Ins. quote

Brent,

I can write general liability coverage for you for an annual premium of \$1,100.07. This can be paid with a down payment of \$377 and nine monthly payments of \$86.77. The policy would be written for \$300,000 each occurrence/\$300,000 general aggregate and will satisfy the State of Florida for your dead head logging operations. The company has based this quote on two partners.

Please give me a call if you have any questions or if you would like to purchase this policy.

Thank you,

Nancy K Cummings
Sullivan Insurance of NW FL
25 Walter Martin Road, Suite 102
Fort Walton Beach, FL 32548
(850)863-1149
fax (850)862-4223

20 mile stretch
Chipola River / from apalachicola River
to chipola park.

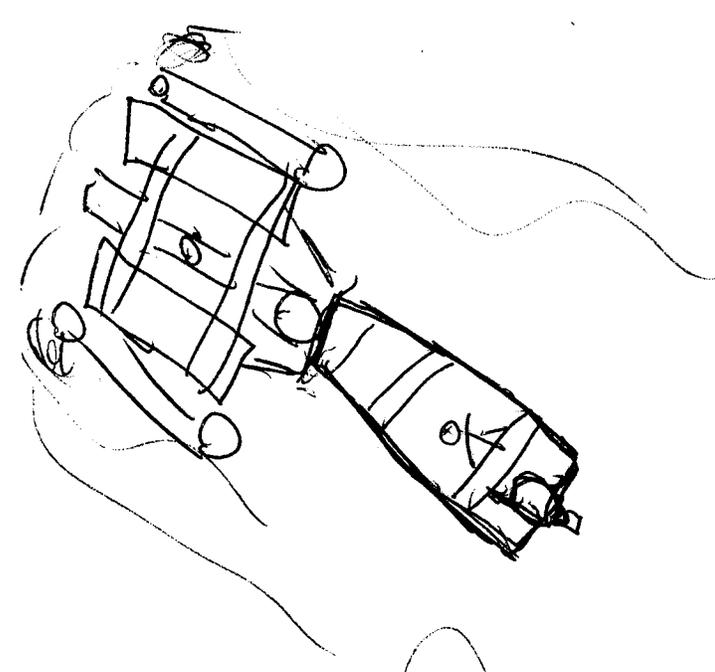
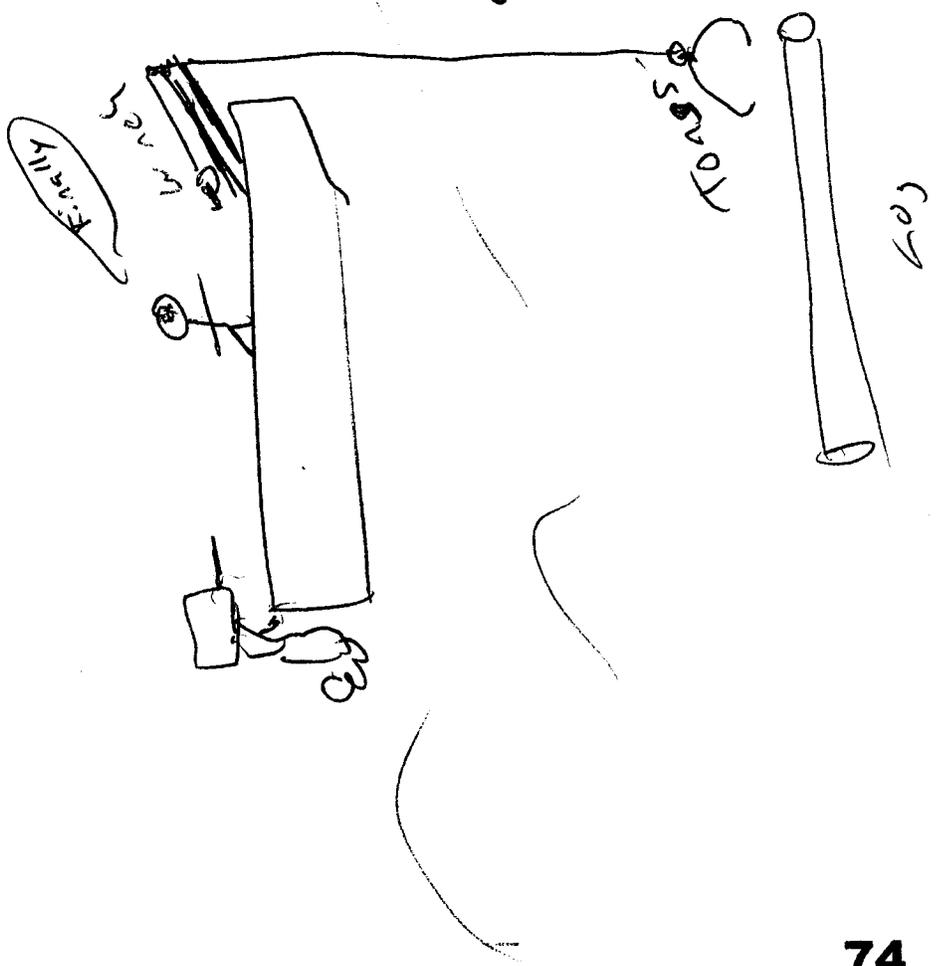
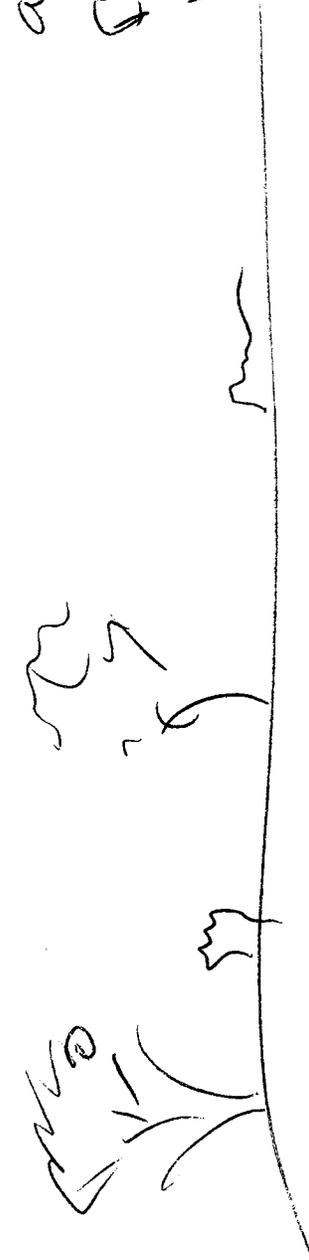
Water depth From 10 to 30 feet

Deep 20 to 80 feet from Bank

Will be Diving logs

Will be taking as many ss as can find

Toss
 Attach Log to Log
 Winch log to surface
 attach Log to Floats
 Float to landing float
 Log on Trailer and Bemo





Archaeological Surveys Conducted for Department of Environmental Protection Deadhead Logging Permit Applications

Below is a table listing the areas that have completed archaeological surveys on file with the Department.

Waterbody	Start	Stop
Alaqua Creek	Eglin Boundary	Choctawhatchee Bay
Apalachicola River	Mile Marker 26	Mile Marker 6
Apalachicola River	Mile Marker 35	Mile Marker 15
Apalachicola River	Mile Marker 97.4	Mile Marker 78.4
Black Creek	North of Camp Creek	Choctawhatchee Bay
Choctawhatchee River	Highway 20	Indian Island
Crescent Lake	Putman County	
Chipola River / Dead Lakes	14 miles ^{South} North of Dead Lakes	6 miles into Dead Lakes
Dead Lakes / Chipola River	Chipola Park	Apalachicola River
Escambia River	AL / FL state line	Chumuckla Spring
North Withlacoochee River	FL / GA state line	North of state park
Ochlockonee River	Highway 20	20 miles south of Highway 20
Oklawaha River	Rodman Dam	St Johns River
Perdido River	Barrineau Park	11 Mile Creek
South Withlacoochee River	20 miles north of River Road	River Road Bridge
St Johns River	9-mile Point	Dunns Creek
St Johns River	Dunns Creek	Black Point
Suwannee River	White Springs	I-10
Suwannee River	I-10	Blue Springs
Suwannee River	Blue Springs	Troy Springs
Suwannee River	Troy Springs	Santa Fe River
Suwannee River	Santa Fe River	US Highway 19
Carrabelle River	3-Rivers	St George Bay
New River	15 miles north of 3-rivers	3-Rivers
Crooked River	Ochlockonee River	Harbeson Mill

Deadhead Logging Permit
Landing Authorization

The removal landing described below will be approved by this managing agency for the removal of pre-cut timbers or deadhead logs in association with:

DEP Permit#:

Permittee Name: Terry Pickens Brent De 25

This authorization will also allow access of the property to the DEP for inspection of the facility and any timber removal operation associated with this site.

Approved Landing Description / Name:

BRYANTS LANDING

Land Based Directions to Approved Landing Site:

Hwy 71 South from Weverhatchers
 5-6 miles ^{LEFT} South on 381 ~~45~~ 3 miles
 LEFT to Bryants Landing at end of Road () landing

GPS Coordinates: Latitude: _____ N
Longitude: _____ W

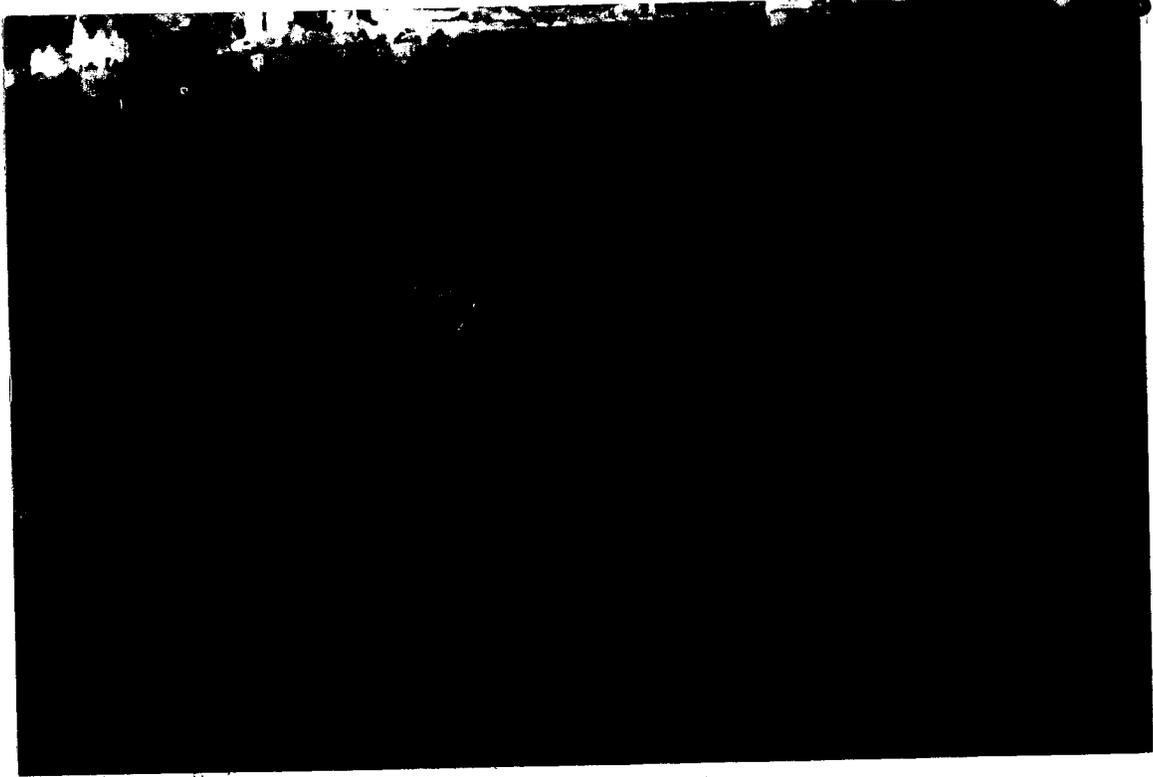
GEORGE BOYER
[Signature] 9/25/11
Managing Agency or Landowner:

Authorizing Signature (Agency Director or Designee):

Name and Title (please print)

Date

Contact Phone Number



ROGER F. WICKER
MISSISSIPPI

United States Senate

WASHINGTON, DC 20510

February 10, 2012

Mr. Bill Williams
County Commissioner, District III
Gulf County
Board of County Commissioners
1000 Cecil G Costin Sr Boulevard
Room 302
Port Saint Joe, Florida 32456-1647

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RECORDS SECTION
CLERK OF SUPREME COURT
2012 MAR -7 PM 12:19

Dear Bill,

It was good to visit with you in my office. I appreciate your updating me on the continued needs of the Gulf Coast following the 2010 oil spill. I am glad we had the chance to discuss your strong support for the swift passage of the RESTORE Act.

Be assured I will keep our meeting in mind as Congress considers this important matter. Please do not hesitate to contact me if I can ever assist you.

With best wishes, I am

Sincerely yours,



Roger F. Wicker

RFW/JD

REPLICATION
3/13/12 CC