



South Florida Water Management District
Conceptual Permit No. 08-105624-P
Date Issued: September 23, 2021

Permittee: Babcock Ranch Community Independent Special District
Babcock Property Holdings, LLC

Project: Babcock Ranch - East Of Curry; Tracts C, D, E, F, G, H

Application No. 200526-3536

Location: Charlotte County, See Exhibit 1

Your application for a Conceptual Permit is approved. This action is taken based on Chapter 373, Part IV, of Florida Statutes (F.S.) and the rules in Chapter 62-330, Florida Administrative Code (F.A.C.). Unless otherwise stated, this permit constitutes certification of compliance with state water quality standards under section 401 of the Clean Water Act, 33 U.S.C. 1341, and a finding of consistency with the Florida Coastal Management Program. Please read this entire agency action thoroughly and understand its contents.

This permit is subject to:

- Not receiving a filed request for a Chapter 120, F.S., administrative hearing.
- The attached General Conditions for Environmental Resource Permits.
- The attached Special Conditions.
- All referenced Exhibits.

All documents are available online through the District's ePermitting site at www.sfwmd.gov/ePermitting.

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

The District does not publish notices of action. If you wish to limit the time within which a person may request an administrative hearing regarding this action, you are encouraged to publish, at your own expense, a notice of agency action in the legal advertisement section of a newspaper of general circulation in the county or counties where the activity will occur. Legal requirements and instructions for publishing a notice of agency action, as well as a noticing format that can be used, are available upon request. If you publish a notice of agency action, please send a copy of the affidavit of publication provided by the newspaper to the District's West Palm Beach office for retention in this file.

If you have any questions regarding your permit or need any other information, please call us at 1-800-432-2045 or email epermits@sfwmd.gov.

FINAL APPROVED BY
EXECUTIVE DIRECTOR OR DESIGNEE

Permittees:

Babcock Ranch Community Independent Special District
2300 Glades Road Suite 410W
Boca Raton, FL 33431

Babcock Property Holdings, LLC
42850 Crescent Loop Suite 200
Babcock Ranch, FL 33982

**South Florida Water Management District
Conceptual Permit No. 08-105624-P**

Date Issued: September 23, 2021 **Expiration Date:** September 23, 2041

Project Name: Babcock Ranch - East Of Curry; Tracts C, D, E, F, G, H

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2300 Glades Road Suite 410W
Boca Raton, FL 33431

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42850 Crescent Loop Suite 200
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Operating Entity: Babcock Ranch Community Independent Special District
2300 Glades Road Suite 410W
Boca Raton, FL 33431

Location: Charlotte County
Lee County

Permit Acres: 22363.10 acres

Project Land Use: Recreational including Golf Course
Industrial including Utilities
Commercial
Government or Institutional
Agriculture
Residential

Special Drainage District: N/A

Water Body Classification: CLASS III
CLASS III

FDEP Water Body ID: 3240G
3240N

Wetland and Surface Water Impacts: 286.36 acres

Sovereign Submerged Lands: No

Original Project Summary

On April 15, 2010, the District issued Environmental Resource Permit No. 08-0004-S-05, authorizing Conceptual Approval and phased Construction and Operation authorization for a stormwater management (SWM) system serving 22,363.10 acres of mixed-use development known as Babcock Ranch Community (BRC). Additionally, the original permit included authorization to use state owned land for mitigation. The original permit granted conceptual approval of a master stormwater management system, roadways and associated infrastructure to support development of BRC.

Current Project Summary (Application No. 200526-3536)

This Environmental Resource Permit is a conceptual modification of ±8,711 acres of land, previously permitted under Permit No. 08-00004-S-05, Application No. 070330-5, located east of Curry Canal (aka Trout Creek). This conceptual modification includes revisions to conservation areas, renumbering and reconfiguration of basin boundary limits, and revisions to the control structures. Please refer to Exhibit Nos. 2.0-2.6. The proposed plan will result in additional wetland impacts resulting in an updated mitigation plan for the overall BRC development. Please see the Wetland and Other Surface Waters Section of the staff report for more information.

As part of the previous permit, Tracts C, D, E, F & H (development tracts), located east of Curry Lake Canal, were combined due to their surface water management system interconnectivity. As part of this application, development Tract G will also be added, therefore all lands lying east of Curry Lake Canal within the BRC will have an interconnected surface water management system.

During the previous conceptual review, there was an existing mining operation permit issued through FDEP for the Earthsource Mine. The mining operations have ceased at this time, and the permit through FDEP has been closed. All lands formally proposed for mining activities are now within the SFWMD jurisdiction. In addition to the proposed development tracts, the BRC utilizes areas located outside the development tracts for attenuation of stormwater runoff. These areas will not be utilized for the treatment of any runoff from the developed site. All treatment will be provided prior to discharge to these areas. These areas will be left in their natural condition with the exception of the construction of perimeter berms to contain the storage volume, and the addition of trails for hiking and biking.

The proposed development within Tract C includes Hamlet I, Tract D includes the Village Center, Tract E includes Village IV, Tract F includes Hamlet III, Tract G includes Hamlet IV and Tract H includes Hamlet II. The proposed modifications to the previously permitted conceptual plan includes removing golf courses from Tract C and H and replacing those with medium density residential land uses. In addition, the six (6) basins include other small land use changes.

Tracts C and D propose increases to the total land area within each tract, increases to building, pavement and lake areas and a decrease in pervious area. In addition, the treatment marshes have been removed from Tract D. These marshes were used for water quality and attenuation but were not used for mitigation. Proposed changes to Tract E include an overall decrease in developable area and decreases to both lake and treatment marsh areas and increases to building, pavement, and pervious areas. Similarly, to Tract D, the proposed treatment wetlands have been removed, they were previously used for water quality and attenuation and were not used for mitigation. The proposed changes in Tract F and G include increasing the building and pavement areas and decreasing the lake, pervious and overall area within these tracts. The proposed total developable area for Tract H is being increased along with building, pavement, and lake areas and the pervious area is being decreased. Most of the changes are focused in areas that were previously part of the Earthsource Mining operation restoration or have been identified to be environmentally sensitive lands within Lee County. Because the Mining operation has ceased, these areas will have a modified land use.

Treatment and attenuation for the proposed system will be provided by interconnected lakes and treatment marshes. Consistent with the conceptual model, runoff from the developed site will be directed to lakes that will provide the detention volume required to meet the District's treatment and attenuation requirements.

Issuance of this permit constitutes certification of compliance with state water quality standards in accordance with Rule 62-330.062, F.A.C.

Background

On April 15, 2010, the District issued ERP No. 08-00004-S-05 (Application No. 070330-5) for Construction and Operation Authorization for a surface water management system serving a ±6,283.1 acre project, part of a ±22,363.1 acre mixed use development known as Babcock Ranch

Community, and Conceptual Authorization for the surface water management system serving the remaining ±16,080.0 acres of the development with discharge to the Caloosahatchee via Owl Creek, Trout Creek, and Telegraph Creek. The exhibits and special conditions in Permit No. 08-00004-S-05 are still in effect unless specified in the subsequent permit modifications and Permit No. 08-105624-P. The original permit, Application No. 070330-5, is attached as Exhibit No. 5.1. The duration of the conceptual permit was extended under Application Nos. 120130-26, 121031-6, 160114-6, 170118-8.

Site Description

The ±8,711-acre East of Curry project area consists of pasture, agricultural lands, undeveloped uplands, and wetlands. The site is conceptually permitted for residential and commercial use under Application No. 070330-5/Permit No. 08-00004-S-05. There are active and ongoing agricultural operations within the project area. See Exhibits 1.0 and 1.1 for location maps of the overall permit area and the project area associated with this application.

The East of Curry project area includes approximately ±1,621.67 acres of wetlands and ±41.44 acres of other surface waters (OSW). All wetlands and OSW for the overall BRC received a binding wetland jurisdictional determination under Application No. 070330-5, pursuant to Chapter 62-340, F.A.C. This permit revalidates the binding wetland jurisdictional determination. For more information on the wetlands and OSW, please refer to the Wetlands and Other Surface Waters section of this staff report.

Ownership, Operation and Maintenance

The entity responsible for operation and maintenance of the SWM system and the preserve/mitigation areas will be the Babcock Ranch Community Independent Special District (BRCISD) as indicated in the submitted governing documents (Refer to Exhibit 4.0). Upon completion of works authorized by subsequent applications for construction and operation activities, and within 30 days of submittal of the construction completion certification, a request for transfer to the operating entity with supporting documentation must be submitted in accordance with General Condition No. 7.

Engineering Evaluation:

Land Use

The land use table provides the overall summary land use for the ±8,711 acre project. Exhibit Nos. 2.1 through 2.6 contain a detailed land use breakdown for Tracts C, D, E, F, G and H.

Water Quality

The project is located within a watershed that is part of a State adopted and EPA approved Nutrient TMDL for the Caloosahatchee Estuary (WIBIDS 3240A, 3240B, and 3240C); therefore, the design includes a site-specific pollutant loading analysis and an additional 50% water quality treatment volume above the amounts required pursuant to Section 4.2.1, Volume II, as reasonable assurances that the projects' discharge will not cause or contribute to violations of State water quality standards. The project provides 624.30 ac-ft of water quality treatment. See Exhibit No. 2.8 water quality data by Tract.

The project includes implementation of an Erosion Control Plans (Exhibit Nos. 2.0 through 2.6), and an Urban Stormwater Management Program (Exhibit No. 2.9), as additional reasonable assurance of compliance with water quality criteria during construction and operation.

Issuance of this permit constitutes certification of compliance with state water quality standards in accordance with Rule 62-330.062, F.A.C.

Water Quantity

Discharge

As found in Exhibit No. 2.7, the project discharge is within the allowable limits as authorized in the

BRC Permit No. 08-00004-S-05, Application No. 070330-5. See Exhibit No. 2.7 for details.

Parking Lot Design

As found on Exhibit Nos. 2.1 through 2.6, the minimum parking lot elevations have been set at, or above, the calculated design storm flood elevation.

Road Design

As found on Exhibit Nos. 2.1 through 2.6, the minimum road center line elevations have been set at, or above, the calculated design storm flood elevation.

Perimeter Berm

As found on Exhibit Nos. 2.1 through 2.6, the minimum perimeter berm elevations have been set at, or above, the calculated design storm flood elevation.

Finished Floors

As found on Exhibit Nos. 2.1 through 2.6, the minimum finished floor elevations have been set at, or above, the calculated design storm flood elevation.

Flood Plain/Compensating Storage

The Engineer of Record submitted calculations demonstrating that the project is consistent with Permit No. 08-0004-S-05.

**Engineering Evaluation Tables:
Land Use**

Basin	Land Type	Area (ac)	% of Total Basin
Babcock East of Curry Canal	Building Coverage	1500.20	17.22
	Pavement	994.10	11.41
	Lake	733.50	8.42
	Preserved	5.50	0.06
	Pervious	1630.80	18.72
	Other	3846.90	44.16
	Total:		8711.00

Water Quality

Basin	Treatment Type	Treatment System	Volume Required (ac-ft)	Volume Provided (ac-ft)
Babcock East of Curry Canal	Treatment	WET DETENTION	414.30	624.30

Environmental Evaluation:

Wetlands and Other Surface Waters

The BRC was originally permitted under conceptual Environmental Resource Permit (ERP) Application No. 070330-5/Permit No. 08-00004-S-05. To date, construction within BRC has occurred only west of Curry Canal (aka Trout Creek). This conceptual modification encompasses ±8,711 acres located east of Curry Canal.

The ±8,711-acre East of Curry Canal project area contains approximately ±1,621.67 acres of wetlands and ±41.44 acres of OSW. The onsite wetlands are cypress, cypress-pine, mixed forested, wet prairie, and freshwater marsh wetland communities with varying degrees of coverage by nuisance and exotic species. A Florida Land Use, Cover, And Forms Classification System (FLUCFCS) map that depicts the current land uses as well as the location of the wetlands and OSW is attached as Exhibit No. 3.0.

Approximately 92% (±7,998 acres) of the East of Curry Canal project area is consistent with the existing conceptual permit, with development occurring on ±4,451 acres already approved for development and preserves proposed across ±3,547± acres of land previously approved for preserve. The ±713 acres (8%) of the East of Curry Canal project area that differs from the existing conceptual permit are a result of converting approximately ±432 acres of previously approved preserves, which includes ±124 acres of wetlands, that are internal to the development footprint into development areas and converting ±291 acres of previously approved development areas into preserve areas which includes ±11 acres of wetlands.

The original conceptual ERP authorized approximately ±413.03 acres of direct wetland impacts, ±16.55 acres of OSW impacts, and ±33.3 acres of secondary impacts for the overall BRC. With the proposed plan changes, this modification will result in a total of approximately ±526.45 acres of direct wetland impacts, ±17 acres of OSW impacts, and ±29 acres of secondary impacts for the overall BRC. Secondary wetland impacts were assessed primarily due to the lack of an upland buffer with a minimum width of 15 ft. and an average width of 25 ft. abutting those wetlands that will remain under the permitted design in accordance with Section 10.2.7(a) of the Environmental Resource Permit Applicant's Handbook Volume I (Volume I). Specifically, secondary impacts were assessed 100 feet from proposed roads and 50 feet from proposed development pods.

There will be a net increase of 113.42 acres of wetland impacts in the East of Curry project area. This increase is a result of an overall total of ±279.60 acres of direct wetland impacts, ±6.76 acres of OSW impacts, and ±4.11 acres of secondary impacts. The acreage of direct impacts includes ±166.18 acres of wetland impacts previously authorized in the original conceptual ERP, the reduction of ±10.59 acres of the previously authorized impacts that are being put back into preserve as part of Mitigation Area K, and the addition of ±124.01 acres of new wetland impacts not previously authorized in the original conceptual permit. The direct wetland impacts represent 17% of the wetland acreage within the project boundary and are concentrated in the farm fields and along the edges of the wetlands. The Wetland/OSW impact map is attached as Exhibit No. 3.1. The map depicts the proposed impacts and changes from the original conceptual ERP.

REDUCTION AND ELIMINATION:

The applicant provided reasonable assurance that the project meets Section 10.2.1.2(b), Volume I regarding reduction and elimination of wetland impacts. This rule states that an applicant is not required to implement practicable design modifications to reduce or eliminate impacts when the applicant proposes mitigation that implements all or part of a plan that provides (1) regional ecological value and (2) greater long-term ecological value than the area of wetland or other surface water to be adversely affected.

The mitigation will provide greater long-term ecological value than the area of wetland or OSW to be adversely affected. As described below, the proposed mitigation implements part of a plan that

provides regional ecological value and provides greater long-term ecological value than the areas of wetland or other surface waters to be adversely affected. In addition, the applicant reduced wetland impacts to the extent practicable by concentrating development in lower quality wetlands in farm fields, and consolidating preserve areas to provide substantial wildlife corridors for far ranging species such as the Florida panther in the southeast portion of the development, which is adjacent to offsite preserve lands such as Telegraph Creek Preserve and Bob Janes Preserve, Lee County Conservation 20/20 property. This modification results in a net of ± 113.42 acres of additional wetland impacts over the existing conceptual permit. However, an additional ± 338 acres of preserve which includes ± 218 acres of uplands, ± 55 acres of wetlands, and ± 65 acres of farm fields for creation of wet prairie habitats, are also being incorporated into the northern portion of the BRC within Mitigation Area E that were not included in the original conceptual permit. The additional preserve areas are depicted on Exhibit No. 3.2. Most of the additional preserve areas directly connect to the offsite State-owned Babcock Ranch Preserve (BRP). The mitigation plan proposed in this modification results in a net increase of ± 6 acres of wetlands upon completion of the BRC Mitigation Plan compared to the original conceptual permit. Therefore, there is no net loss of wetlands. The elimination and reduction analysis is attached as Exhibit No. 3.3.

MITIGATION PLAN:

The amount of mitigation to offset direct and secondary wetland impacts was determined using the Uniform Mitigation Assessment Method (UMAM) in Chapter 62-345, F.A.C. The analysis provided reasonable assurance that the project's wetland impacts will be offset and will not result in adverse secondary impacts to water resources pursuant to Rule 62-330.301(f), F.A.C. and Section 10.2.7, Volume I. The impacts associated with this modification will result in a functional loss of 182.10 functional units (79.54 forested units and 102.56 herbaceous units) to be offset by the BRC Mitigation plan. A UMAM summary for the project area, East of Curry Canal, that references the scoring for the UMAM parameters and habitats within each assessment area is attached as Exhibit No. 3.4.

As a result of this modification, the overall BRC will result in approximately ± 526.45 acres of direct wetland impacts and approximately ± 17 acres of direct surface water impacts. According to the UMAM analysis for the overall wetland impacts for the BRC, the total functional loss is 334 functional units (100 forested units and 234 herbaceous units). Of these impacts, approximately ± 204.19 acres of direct wetland impacts (± 143 units of UMAM functional loss) have already been authorized under construction ERPs and onsite mitigation has been provided within Mitigation Areas A, C, & E, established under the original conceptual ERP. Based on the UMAM analysis for the BRC Mitigation Plan, the $\pm 12,981.40$ acres of mitigation area generates a functional gain of 3,247.88 UMAM functional units upon meeting full mitigation success (2,391.06 forested credits and 856.82 herbaceous credits), which exceeds wetland mitigation needs for the BRC. Both as part of the original permit and this modification, there is no net loss of wetland or other surface water functional value associated with the proposed project (Section 10.3.3.1, Vol. I). The BRC Mitigation Plan may also be used to offset potential/future direct and secondary wetland impacts that may be associated with future offsite roadway improvements, as detailed in the external roadway analysis included in the permit file. There are no offsite roadway impacts included in this modification (East of Curry). A UMAM summary for the overall BRC that references the scoring for the UMAM parameters and habitats within each assessment area is attached as Exhibit No. 3.5. Consistent with the original conceptual ERP, no mitigation credit has been given for upland buffers or trails within the mitigation areas.

The overall BRC Mitigation Plan approved under the original conceptual ERP has been updated to reflect the changes in the established mitigation areas that occur as a result of this permit modification. The updated mitigation plan demonstrates that like-kind wetland mitigation (herbaceous versus forested mitigation for herbaceous versus forested impacts) will be provided to offset wetland impacts and result in no net loss of wetlands within the same drainage basin. The BRC Mitigation Plan focuses on providing habitat mitigation for far ranging species like the Florida panther, it provides an excess of wetland functional gain compared to the wetland functional loss associated with the BRC development, providing a cumulative net benefit to the

Tidal Caloosahatchee drainage basin. Consistent with existing conceptual ERP, the Babcock Ranch Community Independent Special District (BRCISD) will be responsible for the mitigation activities required by all ERPs.

The updated mitigation plan is comprised of eleven (11) different mitigation areas (Mitigation Areas A-K). Mitigation Areas A and E-K are located within the BRC boundary and are considered “onsite” mitigation. Mitigation Areas B, C, and D are located on the adjacent BRP and are considered “offsite mitigation”. The offsite mitigation was approved to be used for BRC mitigation through a Consent of Use with the State of Florida as part of the original BRC permitting efforts. A map depicting the location of the Mitigation Areas A through K is attached as Exhibit No. 3.6. The updated mitigation plan incorporates the preserve changes associated with this modification, adds in additional lands in Mitigation Area E that were considered outparcels in the original conceptual permit, and makes some adjustments to future Mitigation Area I located on the east side of State Road (SR) 31, to account for the future widening of SR 31 in this area. The updated mitigation plan includes approximately ±12,981.40 acres, with ±7,141.61± acres located in the onsite mitigation areas and ±5,839.79 acres located in the offsite mitigation lands. The table below provides an overview of acreage changes between the original conceptual permit and the current modification of the BRC Mitigation Plans.

Overview of Acreage Changes between the Original Conceptual and Current BRC Mitigation Plans

Mitigation Area	Original Conceptual Acreage (App No. 070330-5)	Current Modification Acreage (App No. 200526-3536)	Acreage Difference
A	879.38	848.16	-31.22
B	1,783.45	1,783.45	0.00
C	2,808.30	2807.96	-0.34*
D	1,248.38	1,248.38	0.00
E	1,346.18	1687.80	+341.62
F	1,065.35	983.72	-81.63
G	906.79	671.98	-234.81
H	410.13	442.48	+32.35
I	240.32	210.39	-29.93
J	1,202.14	1,196.31	-5.83
K	814.27	1,100.77	+286.50
Totals	12,704.69	12,981.40	+276.71

* Represents the acreage of the FWC hunt camp in Mitigation Area C (Curry Preserve) that is being removed with the updated BRC Mitigation Plan.

The overall mitigation area is comprised of ±4,679.19 acres of wetland/surface water preservation, ±271.19 acres of wetland enhancement, ±433.47 acres of wetland creation, ±597.36 acres of upland enhancement, ±6,212.44 acres of upland preservation, ±237.87 acres of upland buffer, ±383.31 acres of agriculture to remain, and ±166.57 acres of trails, as detailed in the table below.

BRC Mitigation Plan Summary

Mitigation Area	Total Acres	Upland Buffer (Acres)	Wetland Enhancement (Acres)	Wetland/SW Preservation (Acres)	Wetland Creation (Acres)	Upland Enhancement (Acres)	Upland Preservation (Acres)	Agriculture to Remain (Acres)	Boardwalk/ Trail (Acres)
A	848.16	33.52	90.21	254.77	0.00	28.63	413.19		27.84
B	1,783.45	0.00	0.31	1,113.16	0.00	7.32	662.66		0.00
C	2,807.96	0.00	43.55	970.11	0.00	9.42	1,532.00	252.88	0.00
D	1,248.38	0.00	0.00	576.12	0.00	6.99	523.76	130.43	11.09
E	1687.80	45.68	99.16	348.17	64.92	308.42	801.52		19.93
F	983.72	44.34	6.70	462.45	0.00	36.19	407.62		26.42
G	671.98	40.45	5.31	281.06	0.00	38.51	290.11		16.54

H	442.48	8.02	25.95	29.72	207.22	6.34	147.96		17.27
I	210.39	9.24	0.00	78.58	27.10	23.79	65.96		5.72
J	1196.31	17.26	0.00	235.99	24.98	40.78	861.24		16.06
K	1100.77	39.36	0.00	329.06	109.25	90.97	506.42		25.71
TOTALS	12981.40	237.87	271.19	4679.19	433.47	597.36	6212.44	383.31	166.57

To date, approximately ±2,635 acres of wetland mitigation are currently in progress within various phases of implementation (±1,379 acres onsite and ±1,256 acres offsite within BRP) within portions of Mitigation Areas A, C, E, and H that has generated 240.76 units of UMAM functional lift to remain ahead of the referenced wetland impacts. A total of ±1,378.94 acres of conservation easements over onsite preserves within portions of Mitigation Areas A, E, and H have been recorded to date, with exotic removal having been implemented within 1255.68 acres of offsite preserves in Mitigation Areas C. An additional ±1,107 acres of exotic removal has been initiated in Mitigation Area D for panther mitigation only. Additionally, three control structures within the Curry Canal have been installed to date to help restore the hydrology within the Curry Lake System (Mitigation Area C). The BRC Conservation Easement and Mitigation Log is attached as Exhibit No. 3.7 to document wetland mitigation to date.

The applicant will provide regionally significant mitigation concurrent with or ahead of impacts. Babcock Property Holdings, LLC will grant conservation easements over ten additional mitigation areas totaling approximately ±1,499 acres (Mitigation Areas A12, A13, H2, H3, WC-8B, WC-9, WC-10, J1, J2, and J3) as part of this modification to the conceptual ERP ahead of future construction authorizations. As illustrated on Exhibit No. 3.6 (mitigation location map), the largest area of proposed easement (Mitigation Area J3) is adjacent to offsite preserve lands (Lee County’s Conservation 2020- Telegraph Creek Preserve) to promote regional connectivity. The conservation easements for the subject mitigation areas will be recorded within 90 days of issuance of this permit modification.

The mitigation areas are generally placed under a conservation easement when an ERP for construction authorization is requested for development adjacent to a mitigation area. The mitigation plan for each mitigation area is implemented on an incremental basis to keep the mitigation (functional gain) concurrent with or ahead of development impacts (functional loss). The functional losses and gains are monitored through the maintenance of the mitigation plan’s functional unit ledgers, with functional units being added and debited based on mitigation activities through an Environmental Resource Permit (ERP) for construction.

The preserve areas will be enhanced via control of nuisance and exotic vegetation, hydrologic restoration, and prescribed fire. Exotic vegetation species are identified as Category I and II invasive exotic plant species, pursuant to the most current list established by the Florida Exotic Pest Plant Council (FLEPPC). A hog management plan is in place to help control the nuisance and exotic hog population on the property. Hand and mechanical removal of nuisance and exotic vegetation removal will be conducted across all preserves. Supplemental planting will be conducted in areas that contained between 50% - 74% (E3) exotic/nuisance vegetation prior to exotic removal, if after two years, sufficient coverage of desirable native vegetation has not been achieved. Areas with 75 percent or greater coverage of exotic vegetation (E4) will be planted immediately after exotic and nuisance vegetation removal. The hydrologic improvements include the installation of five (5) control structures in Curry Canal, two (2) control structures in Big Island Canal, and one (1) control structure in Stricklin Gully. In addition to these structures, sections of ditches in Mitigation Areas C and G will be backfilled. Prescribed fire will be conducted to maintain the target habitat types. Details of the mitigation, monitoring, and maintenance plan as well as the mitigation functional unit ledgers are included in Exhibit No. 3.8A-E. Monitoring will be conducted by the permittee for a minimum of five years for each area of mitigation implemented. Exotic and nuisance vegetative debris shall be removed from the conservation areas to the extent practicable, as determined by District Staff.

MAINTENANCE OF SURFACE OR GROUND WATER LEVELS:

The applicant provided reasonable assurance that the project meets Rule 62-330.301(g) because it will not adversely impact the maintenance of surface or ground water levels or surface water flows established pursuant to Section 373.042, F.S. The control elevation of the site was determined using biological indicators and onsite and offsite monitoring well data. The hydroperiod of the wetland preserves will be maintained via treated discharge from the stormwater management system. There are preserve areas located within the controlled basin area and outside of the controlled basin area. Modeling was conducted for the wetlands in the controlled basin area to demonstrate that the hydroperiods will be maintained. The wetlands located outside of the controlled basin will be maintained via flows from rainfall and offsite flows.

Construction plans include turbidity and erosion control measures. In addition, specifications were included to ensure bare earth areas are stabilized immediately upon reaching final grades when work is being conducted adjacent to wetlands and/or draining to receiving water bodies.

CUMULATIVE IMPACTS:

Pursuant to Section 373.414(8)(b), Florida Statutes, if mitigation is proposed in the same drainage basin as the impacts and the mitigation offsets the adverse impacts, then the activities meet the cumulative impact requirements. The mitigation is located within the same drainage basin as the impacts.

The proposed wetland mitigation fully offsets the proposed impacts. Therefore, pursuant to Rule 62-330.302(b), the project will not result in unacceptable cumulative impacts to the wetlands and other surface waters within the Tidal Caloosahatchee Drainage Basin, Telegraph Swamp, and West Caloosahatchee drainage basins as defined by the SFWMD (Refer to Section 10.2.8, Volume I).

LEGAL ISSUES:

Upon completion of the BRC Mitigation Plan, the conservation easements will encompass $\pm 7,141.61$ acres total, which includes $\pm 2,247.13$ acres of wetlands and $\pm 4,305.52$ acres of uplands (inclusive of the upland buffers), ± 433.47 acres of wetland creation areas (may include transitional uplands and perimeter berms), and ± 155.48 acres of trails. Consistent with the original conceptual permit, the remainder of the mitigation areas will not be placed into a conservation easement, as they are located on state-owned lands. The mitigation areas will be encumbered by passive recreational conservation easements dedicated to the District with third party enforcement rights granted to the Florida Department of Environmental Protection, utilizing the form attached as Exhibit No. 3.9, as part of future construction authorizations.

The standard conservation easement form was modified for this project to address the complexity of issues involved with the proposed development, existing historic land uses on the property, and ongoing land management activities. The impacts associated with these uses are accounted for in the UMAM analysis and the mitigation for these areas is incorporated into the proposed mitigation plan.

The conservation easements will be recorded prior to the commencement of construction or as set forth in the construct and operate permit. Some of the conservation areas may contain multiple mitigation areas associated with mitigation plan that will be implemented concurrently with phases of construction that include wetland impacts. The conservation easements will be recorded over entire conservation areas, so that entire wetland systems are legally protected at one time, irrespective of the mitigation plan activity implementation. The conservation easement forms, associated conservation easement boundary surveys, title review and title commitment insurance, GIS data and work schedule for the mitigation activities will be provided when an application for construction authorization is submitted.

FINANCIAL ASSURANCE:

Pursuant to Section 10.3.7.1 of Volume I, financial assurance documents are not required because the Babcock Ranch Community Independent Special District (BRCISD) is a co-permittee.

BRCISD will also serve as the operating entity for the stormwater management system and mitigation areas.

Babcock Ranch Community Independent Special District is an independent special district, established by House Bill 1515 (codified in Chapter 2007-306, Laws of Florida) passed by the Florida Legislature and approved by the Governor of Florida on June 27, 2007, as amended by House Bill 1039 (codified in Chapter 2016-257, Laws of Florida) passed by the Florida Legislature and approved by the Governor of Florida on March 25, 2016.

Fish, Wildlife, and Listed Species

An updated protected species survey was conducted for the project area over a several week period between December 2019 and February 2020 by Johnson Engineering, Inc. (JEI). Wading birds such as wood stork (*Mycteria americana*), little blue heron (*Egretta caerulea*), and the Florida sandhill crane (*Antigone canadensis pratensis*) were observed. However, no signs of nesting or roosting was observed in the proposed development areas. The Audubon's crested caracara (*Caracara cheriway*) were also observed. Two adult bald eagles were observed flying over the project area during the survey, and an immature bald eagle was observed perching briefly on a tree in the project area. No eagle nests were observed within the project area or immediate vicinity. Based on GIS information from Florida Fish and Wildlife Conservation Commission (FWC), the closest known eagle nest is LE033, which is located approximately 1.5 miles south of the southern project boundary. Additionally, gopher tortoises (*Gopherus polyphemus*) were located in the project limits. The onsite wetlands have the potential to provide habitat for a variety of wetland-dependent species and listed species. The wetlands to be impacted provide habitat for wetland-dependent species. The proposed onsite mitigation will provide habitat for wetland-dependent species and long-term ecological benefits to wildlife. Pursuant to Sections 10.2.2 and 10.2.7 of Volume I, the applicant has provided reasonable assurances via the BRC mitigation plan and coordination with FWC and U.S. Fish and Wildlife Service (USFWS) that wetland-dependent species will not be adversely impacted by the project activities. Protected species maps are attached as Exhibit No. 3.10.

The project area is located within the USFWS Focus Area for the Florida Panther (*Puma concolor coryi*). No tracks or sign of Florida panther were observed during the listed species surveys for East of Curry Canal, but both an adult male and an adult female are known to use Babcock Ranch Preserve and surrounding lands and are regularly photographed by both JEI and FWC monitored cameras. A JEI remote camera located in the northeast portion of the East of Curry project boundary recorded a male panther on February 23, 2020. FWC biologists recorded a female panther with at least one dependent kitten on November 3, 2019 on Conservation 20/20 land (Bob Janes Preserve) approximately three (3) miles east of the project boundary.

The project is within the USFWS consultation area for the Audubon's crested caracara (*Caracara cheriway*). During original permitting, there had been no caracara documented using the site. Ongoing surveys across the BRC since that time revealed nesting by two different caracara pairs (two nest sites) east of the Curry Canal in/adjacent to upland farmfields currently approved for development. The 2021 nest locations are illustrated on the protected species map (Exhibit No. 3.10) and engineering plans (Exhibit No. 2.0), noting that the actual nest locations may vary from year to year within the two onsite territories. The subject nests are proposed to be removed outside of the caracara nesting season (pursuant to State 404 Permit Conditions), with minimization and mitigation measures included in the Listed Species Management Plans so the project will not result in jeopardy of the species.

The project is within the USFWS consultation area for the wood stork (*Mycteria americana*) and lies within the Core Foraging Area (CFA) of three wood stork rookeries (Colony Nos. 619041, 616165, and 619012). Wood storks (*Mycteria americana*) were observed foraging during the surveys, but no evidence of nesting or roosting was found.

The project is also located within USFWS consultation and focus area for the Florida Bonneted Bat (FBB). No FBB, or evidence of guano, staining, or auditory chirping which could be indicative

of bats roosting in the structure, were identified within the referenced tree snags during the roost survey.

The FWC and USFWS reviewed the BRC's potential effects to listed wildlife during review of the original conceptual ERP and found the BRC Mitigation Plan provided the necessary compensation for potential effects to listed species or their habitat. The overall mitigation plan for the Babcock Ranch Community provides excess mitigation for the Florida panther and wood stork as per USFWS methodologies. Management plans for the listed species have been previously reviewed and approved by the District and other agencies under the original conceptual ERP and subsequent permit modifications for construction.

On August 31, 2009, the USFWS issued a Biological Opinion (BO) (Consultation #41420-2007-F-0900) that included a may affect, but not likely to adversely affect determination for Audubon's crested caracara, wood stork, eastern indigo snake, Florida scrub-jay, red-cockaded woodpecker, and beautiful pawpaw (*Deeringothamnus pulchellus*). This BO also included a may affect, and likely to adversely affect determination for the Florida panther, and issued an incidental take statement along with a determination that the project would not jeopardize the Florida panther or result in adverse modification to designated critical habitat.

In 2019, the USFWS issued a minor amendment to the BO (Consultation #41420-2007-F-0900-R001) (Amended BO) authorizing a change in panther habitat designation over ±171.58 acres of land originally intended to remain as farming/nursery operations, from "panther neutral" to "panther impact." An additional 435.58 acres of land for panther mitigation was incorporated into the Telegraph Trail Preserve as compensation. The USFWS provided a modified incidental take statement and concluded that the modification would still not jeopardize the Florida panther. The 2019 BO amendment also re-evaluated the project's potential effects on the eastern indigo snake in accordance with the 2017 Programmatic Key for indigo snake. Since the project contained more than ±25 acres of eastern indigo snake habitat, the previous determination of not likely to adversely affect for the indigo snake was modified to may affect, likely to adversely affect, and the Amended BO included an incidental take statement for the species.

The Applicant provided an updated Biological Assessment to include new review of the Florida bonneted bat (not listed at time of original ERP issuance) and the nesting crested caracara that were observed east of the Curry Canal in farm fields currently approved for development. The updated Biological Assessment includes reasonable and prudent measures, including conducting pre-construction surveys for listed wildlife prior to each phase of development, as well as additional research measures to better understand the effects of land use changes on crested caracara that will in turn help wildlife agencies evaluate development effects to the local population. The updated Biological Assessment is attached as Exhibit No. 3.11. The Listed Species Management Plans and Human-Wildlife Co-existence Plan defines best management practices to be employed to minimize risks to listed species. The FWC provided a letter to District staff dated, January 13, 2021, recommending the Human and Wildlife Co-existence Plan include information on the potential conflict with invasive and non-native wildlife species (Exhibit No. 3.12). The applicant modified the referenced plan to incorporate FWC comments and suggestions. The Listed Species Management Plans and Human-Wildlife Co-existence Plan is attached as Exhibit No. 3.13A-C.

Due to State assumption of Section 404 permitting by the Florida Department of Environmental Protection on December 22, 2020, an amended Biological Opinion for the BRC will not be provided by the USFWS. Technical assistance with the USFWS has occurred through the FWC and ongoing State 404 permit application, through which the FWC will include conditions for both State and Federally listed species provided within the referenced Biological Assessment and Listed Species Management Plans.

Public Interest Test

The applicant provided information to demonstrate that the public interest test requirements outlined in Section 373.414(1)(a), Florida Statutes, Rule 62-330.302, F.A.C., and Section 10.2.3 of

the Environmental Resource Applicant's Handbook, Volume I (Volume I) have been met (see Permit file). The District balanced this information against the seven factors of the public interest test and found that the applicant provided reasonable assurances that the project is not contrary to the public interest.

**Environmental Evaluation Tables:
Summary**

Wetlands and Other Surface Waters: 1,663.11 acres
 Direct Impacts: 286.36 acres
 Secondary impacts: 0 acres
 Net UMAM Functional Loss/Gain: 0 units
 Total Onsite Mitigation Area: 1,376.75 acres
 Total Offsite Mitigation Area: 0 acres

Total Mitigation Bank Credits Provided

Mitigation Bank	Type	Total Credits
		0
Total:		0

East of Curry (Refer to Exhibit No. 3.4)

Activities in Wetlands or Other Surface Waters, Not Including Mitigation at a Bank

ID	Acres	Action	Community Description	Current Score	With Project Score	UMAM Loss
Previous	166.18	Direct Impact	Wetlands	0	0	0.000
EOC New	113.42	Direct Impact	Wetlands	0	0	0.000
OSW	6.76	Direct Impact	Ditches and Canals	0	0	0.000
Total:	286.36					0.000

UMAM Mitigation and Preservation

ID	Acres	Action	Existing Community Description	Proposed Community Description	Current or Without Preserve Score	With Project Score	Time Lag Years.	Risk	P. A. F.	UMAM Gain
Wetlands	1,342.07	Enhancement	Wetlands	Wetlands	1	1	1	1	1.0	0.000
OSW	34.68	Preservation	Ditches and Canals	Ditches and Canals	1	1	1	1	1.0	0.000
Total:	1376.75									0.000

Related Concerns:

Water Use Permit Status

Information was provided to demonstrate the options regarding the availability of potable and irrigation water for the BRC development. Irrigation will be conducted under Master Irrigation Permit No. 08-00002-W. Dewatering will be conducted under Master Dewatering Permit No. 08-00147-W. Modifications to these permits may be required when future ERP applications for construction authorization are submitted.

This permit does not release the permittee from obtaining all necessary Water Use authorization(s) prior to the commencement of construction dewatering and irrigation.

Water and Wastewater Service

M.S.K.P. Town and Country Utility, LLC

Historical/ Archeological Resources

The District has received correspondence from the Florida Department of State, Division of Historical Resources (DHR) dated August 20, 2020. Based on the review of the previous cultural resource assessment survey for the BRC, DHR does not recommend further archaeological surveys and it is their opinion that the proposed changes to the development plan will have no effect to historic properties listed, or eligible for listing, in the National Register of Historic Places. Please refer to General Condition No. 14. This permit does not release the permittee from compliance with any other agencies' requirements in the event that historical and/or archaeological resources are found on the site.

Third Party Interest

The District received correspondence from interested parties expressing concerns regarding the proposed change in land use, proposed wetland impacts, and protected species concerns. Please refer to the permit file in ePermitting to review the correspondence. The parties which expressed concern are being copied on the permit.

General Conditions for Conceptual Permits

1. This permit does not authorize any construction, alteration, maintenance, operation, removal, or abandonment, except where such activities are specifically authorized as the first phase of an individual permit or are authorized to occur in accordance with a general permit or exemption under Chapter 62-330, F.A.C.
2. This permit does not:
 - (a) Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;
 - (b) Convey to the permittee or create in the permittee any interest in real property;
 - (c) Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
 - (d) Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.
3. The permittee shall notify the Agency in writing:
 - (a) Immediately if any previously submitted information is discovered to be inaccurate; and
 - (b) Within 30 days of any conveyance or division of ownership or control of the property or the system, the name and contact information for the new owner.
4. Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample, and test the project site to ensure conformity with the permit.
5. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.
6. This conceptual approval permit only authorizes design concepts for a master or future plan to construct, alter, operate, maintain, remove, or abandon projects that require a permit under Part IV of Chapter 373, F.S. It does not authorize any construction, alteration, operation, maintenance, removal, or abandonment, or the establishment and operation of a mitigation bank, or relieve the permit holder of any requirements to obtain such permits.
7. Subsequent applications to construct and operate activities shall be prepared and submitted using the applicable procedures in Rules 62-330.052, 62-330.054, 62-330.060, and 62-330.402 F.A.C., and sections 4.2.2, 4.2.3, 4.3, and 4.4 of Volume I. An application for conceptual approval for a mitigation bank shall also include the materials required by Chapter 62-342, F.A.C.
8. Issuance of this conceptual approval permit is a determination, within the level of detail provided in the application, that the activities approved in this permit are consistent with applicable rules at the time of issuance. This permit provides the conceptual approval permit holder with a rebuttable presumption, during the duration of this permit, that the engineering design and scientific principles upon which the conceptual approval permit approved herein are likely to meet applicable rule criteria for issuance of permits for subsequent phases of the project, provided all of the following are met at the time of receipt of a complete application to construct and operate the future phases:
 - (a) The application to construct and operate the future phases remains consistent with the designs and conditions of this permit. Primary areas for consistency comparisons include the size, location, and extent of the activities proposed, the type and nature of the activities, percent imperviousness, allowable discharge and points of discharge, location and extent of wetland

and other surface water impacts, mitigation plans implemented or proposed, control elevations, extent of stormwater reuse, detention and retention volumes, and the extent of flood elevations. If an application for construction of any portion of the land area covered by this permit is inconsistent with the design concepts and conditions approved herein, the application will be reviewed to determine the extent to which the inconsistency will affect the designs and conditions for the remainder of the lands contained in this permit. If the inconsistency will materially affect those designs and conditions, then the applicant must demonstrate that the holder of this permit agrees to that inconsistency. In such a case, the holder of the conceptual approval permit may:

1. Modify the conceptual approval permit to conform to the revised design;
2. Abandon reliance on the conceptual approval permit; or
3. Rely on those portions of the conceptual approval permit for only those areas that were not affected by the inconsistency.

(b) There are no changes to state water quality standards that would be affected by activities authorized in the conceptual approval permit that have not already been authorized for construction or operation.

(c) There have been no amendments to Florida law governing special basin criteria that would affect future activities authorized by the conceptual approval permit that have not already been authorized for construction.

(d) There are no substantive changes in the site characteristics that would affect whether the design concepts approved in the conceptual approval permit can continue to be reasonably expected to meet the conditions for authorizing construction of future phases. This shall include such things as changes in the designation of listed species, and changes to nesting, denning, and critical designation status of listed species that exist within the lands served by the project area.

9. If changes are proposed to the design of existing or future phases, or where there have been changes to state water quality standards, special basins, or site characteristics as described in conditions (3)(a) through (d), above, during the duration of this permit, the applicant must modify this permit if it wishes to continue to rely on this permit as a basis that reasonable assurance exists for the Agency to issue future construction or operation permits under the terms and conditions of this permit. If the permittee fails to do this, this conceptual approval permit can no longer be relied upon as a basis, in part or whole, under which permits to construct or operate future phases will be issued, and the Agency will reevaluate the terms and conditions of this permit at the time a permit application is received to construct the next phase of activities, or at the next requested extension of this permit's duration in accordance with subsection 62-330.056(11), F.A.C., whichever occurs first.

Special Conditions for Conceptual Permits

1. The Conceptual Approval shall expire on the date shown on page 3 of this permit, in accordance with Rules 62-330.056(9) and (10), F.A.C.
2. Operation and maintenance of the stormwater management system shall be the responsibility of the Babcock Ranch Community Independent Special District.
3. Discharge Facilities: See Exhibit Nos. 2.1-2.6 of this permit. Please also refer to Exhibit No. 2.6 of Permit No. 08-0004-S-05/Application No. 070330-5 for areas west of Curry Lake Canal.
4. The permittee shall be responsible for the correction of any erosion, shoaling or water quality problems that result from the construction or operation of the surface water management system.
5. Measures shall be taken during construction to ensure that sedimentation and/or turbidity violations do not occur in the receiving water.
6. All commercial/industrial parcels shall provide a minimum dry pre-treatment volume of 1/2 inch of runoff prior to discharge into the master surface water management system.
7. The District reserves the right to require that additional water quality treatment methods be incorporated into the drainage system if such measures are shown to be necessary.
8. The first phase of construction and all future phases shall consist of the portion of the master system required to support that phase of development. This includes the proposed flood attenuation areas, perimeter berm and stormwater ponds, including all necessary structures to provide water quality treatment, stormwater attenuation, and floodplain compensating storage for that phase of development.
9. Lake side slopes shall be no steeper than 4:1 (horizontal:vertical) to a depth of two feet below the control elevation. Side slopes shall be nurtured or planted from 2 feet below to 1 foot above control elevation to ensure vegetative growth, unless shown differently on the plans.
10. A stable, permanent and accessible elevation reference shall be established on or within one hundred (100) feet of all permitted discharge structures no later than the submission of the certification report. The location of the elevation reference must be noted on or with the certification report.
11. The permittee shall provide routine maintenance of all of the components of the surface water management system in order to remove all trapped sediments/debris. All materials shall be properly disposed of as required by law. Failure to properly maintain the system may result in adverse flooding conditions.

12. Land use within a portion of the permitted facilities is agricultural, as outlined on Exhibit 1.2 of Application No. 070330-5. Any proposed change in land use from agricultural use may require modification of this permit and must be reported to the District for a determination of permit requirements.
13. Agriculture operations previously authorized by the District are authorized to continue until a request for Construction and Operation authorization for site development has been received and approved by the District for that site.
14. Any proposed change in land use or crop type may require modification of this permit and must be reported to the District. Any change to a more intensive agricultural operation from the current uses in the agricultural fields adjacent to Mitigation Area E (pasture, bahia, sod, row/vegetable crops) will require a permit modification to re-assess the potential for impacts on the adjacent mitigation areas within Mitigation Area E. Such a modification would include but not be limited to a conversion of the fields to citrus crops. Farm fields of concern include 14, 15, 16, 25, 39, 37, 40, 51, 42, 36, 53, 44, 76, 96, 43, 13W and 77.
15. Grass seed or sod, shall be installed and maintained on all disturbed areas within 48 hours of completing final grade, and at other times, as necessary, to prevent erosion, sedimentation or turbid discharges into receiving waters and/or adjacent wetlands.
16. Prior to the commencement of construction, the permittee shall conduct a pre-construction meeting with field representatives, contractors and District staff. The purpose of the meeting will be to discuss construction methods and sequencing, including the type and location of turbidity and erosion controls to be implemented during construction, mobilization and staging of contractor equipment, phasing of construction, methods of vegetation clearing, construction dewatering if required, wetland/buffer protection methods, endangered species protection, etc. with the permittee and contractors. The permittee shall contact District Environmental Resource Compliance staff from the Lower West Coast Service Center at (239) 338-2929 to schedule the pre-construction meeting.
17. Prior to the commencement of construction, the perimeter of protected preservation areas/conservation areas shall be staked/roped/silt fenced to prevent encroachment into the protected areas. Using Global Positioning System (GPS) technology, the perimeter of the preserve area(s) shall be identified for future reference. The data shall be differentially corrected and accurate to less than a meter (+/- one meter or better). Electronic copies of the GPS data shall be provided to the District's Environmental Resource Compliance staff. The permittee shall notify the District's Environmental Resource Compliance staff in writing upon completion of staking/roping/silt fencing and schedule an inspection of this work. The staking/roping/silt fencing shall be subject to District staff approval. The permittee shall modify the staking/roping/silt fencing if District staff determines that it is insufficient or is not in conformance with the intent of this permit. Staking/roping/silt fencing shall remain in place until all adjacent construction activities are complete.
18. Spoil generated from the excavation authorized by this permit must be placed on an upland site and contained in such a manner as to prevent erosion into wetlands or other surface waters, unless specifically authorized by an ERP permit modification.
19. The successful completion of the mitigation plan is heavily dependent on proper site grading as

shown on Exhibit No. 3.8A-E. Therefore, prior to demobilizing equipment from the site and prior to planting, the permittee shall provide an as-built survey and schedule an inspection by District Environmental Resource Compliance staff to ensure that appropriate elevations and slopes have been achieved.

20. Any temporary wetland impacts associated with construction activities shall be restored in accordance with the wetland mitigation plan and in coordination with District Environmental Resource Compliance staff.

21. Endangered species, threatened species and/or species of special concern have been observed onsite and/or the project contains suitable habitat for these species. It shall be the permittee's responsibility to coordinate with the Florida Fish and Wildlife Conservation Commission and/or the U.S. Fish and Wildlife Service for appropriate guidance, recommendations and/or necessary permits to avoid or minimize impacts to listed species or as required by the FDEP 404 permit.

Specific RCW (red-cockaded woodpeckers) management areas will be identified prior to permit issuance in the applicable mitigation areas during subsequent construction modifications as part of the wetland mitigation plan.

An updated Biological Assessment is attached as Exhibit No. 3.11. The applicant shall implement the "Listed Species Management Plans and Human-Wildlife Co-existence Plan" (Exhibit No. 3.13A-C) which defines best management practices to be employed to minimize effects to listed species. Any changes to these plans approved by wildlife agencies will be incorporated into this permit.

Due to State assumption of Section 404 permitting by the Florida Department of Environmental Protection in December 2020, an amended Biological Opinion for the BRC will not be provided by the USFWS. Technical assistance with the USFWS has occurred through the FWC and ongoing State 404 permit application, through which the FWC will include conditions for both State and Federally listed species provided within the referenced Biological Assessment and Listed Species Management Plans.

22. At the time of application for construction approval, additional wildlife surveys shall be performed consistent with the Listed Species Management Plan, to provide reasonable assurances that no listed species resources are present which may be adversely impacted by the proposed construction activities.

23. The use of triploid grass carp (*Ctenopharygodon idella*) for aquatic weed control (e.g. hydrilla) is not currently approved by the Florida Fish and Wildlife Conservation Commission (FWC) or the District for this permit application. If grass carp are proposed for weed control in water bodies directly or indirectly connected to the mitigation areas or preserve areas, the permittee shall apply for a permit from the FWC. In addition, a permit modification to the District Environmental Resource Permit would be required to demonstrate reasonable assurances that no adverse environmental impacts would occur to the mitigation and preservation areas. If approved, the applicant would be required to install and permanently maintain permanent exclusion barriers to prevent grass carp from entering mitigation areas. If grass carp entered the mitigation areas, the permittee would be responsible for removal of all grass carp specimens and the restoration of any mitigation acreage impacted due to grass carp grazing.

24. The applicant shall conduct all activities required as part of the Biological Opinion (BO), Original BO-Consultation #41420-2007-F-0900 and the 2019 Amended BO- Consultation #41420-2007-

F-0900-R001 issued for this project and shall coordinate with Florida Fish and Wildlife Conservation Commission. An updated Biological Assessment is attached as Exhibit No. 3.11 as they apply to future construction phases and to prevent impacts to listed species. The "Listed Species Management Plans and Human-Wildlife Co-existence Plan" is attached as Exhibit No. 3.13.

25. The permittee shall comply with the provisions of the caracara management plan for the site as shown in the "Listed Species Management Plans and Human-Wildlife Co-existence Plan" attached as Exhibit No. 3.13, in the engineering plans attached as Exhibit No. 2.0 and as specified in the conditions of the State 404 permit.

26. A mitigation program for the Babcock Ranch Community (BRC) shall consist of a total of $\pm 12,981.40$ acres. A total of $\pm 7,141.61$ acres are onsite, Mitigation Areas A and E-K; which includes $\pm 2,247.13$ acres of wetlands and $\pm 4,305.41$ acres of uplands (inclusive of the upland buffers), ± 433.37 acres of wetland creation areas (may include transitional uplands and perimeter berms), and 155.48 acres of trails. In addition, $\pm 5,839.49$ acres of mitigation shall occur in Mitigation Areas B, C and D on State-owned lands.

Only the onsite areas, Mitigation Areas A and E-K, totaling $\pm 7,141.61$ acres will be encumbered by a conservation easement. Mitigation activities on State Lands (Mitigation Areas B, C, and D) will occur under Consent of Use authorizations granted by the Florida Department of Environmental Protection, Division of State Lands.

27. Each application for construction of future phases of the permit that contain wetland/OSW impacts shall be accompanied by an updated summary and map which shows the location and acreage of the wetland(s) impacted to date, and the existing mitigation areas for the entire project. The mitigation ledgers and UMAM analysis will also be updated and submitted for each construction modification.

28. At the time of application for any phase of construction that includes wetland impacts, the permittee shall demonstrate that an adequate portion of the mitigation plan has been or shall be executed and completed in a timely manner (i.e., concurrent with the wetland impacts) and that the specified mitigation will adequately offset the wetland impacts associated with that phase.

29. An average 25' wide, minimum 15', buffer of undisturbed upland vegetation shall be maintained between the proposed development and existing wetlands. Buffers shall be staked and roped and District environmental staff notified for inspection prior to clearing. Areas where structural buffers will be installed shall be planted in accordance with the attached mitigation plan and engineering plans.

30. The final control elevation of all of the wetland creation areas and particularly Wetland Creation Area 2 (treatment marsh A4), will be verified and finalized during a future construction modification application. Data used to support the final established control elevation will include nearby well data, topography, biological indicators and soils information. Grading plans for the wetland creation areas will also be re-assessed during future construction modifications, as necessary.

31. The District reserves the right to require remedial measures to be taken by the permittee if monitoring or other information demonstrates that adverse impacts to onsite or offsite wetlands, upland conservation areas or buffers, or other surface waters have occurred due to project

related activities.

If monitoring reports or other information show the preserved wetlands have been negatively affected by the permitted development in a manner that is irreversible (such as impounding the wetland and drowning the existing vegetation or a reduction in the hydroperiod resulting in the transition of wetlands into upland/transitional habitat), the permittee shall be required to submit a remediation plan within 30 days of notification by the District's Environmental Resource Compliance staff of such conditions. The remediation plan may include onsite or offsite mitigation as necessary to address any deficiencies.

32. Wetland preservation/mitigation areas, upland buffer zones and/or upland preservation areas shall be dedicated as conservation and common areas in the deed restrictions as well as on the plat if the project will be platted. Restrictions for use of the conservation/ common areas shall be consistent with the language approved for the project' s conservation easements and shall stipulate: The wetland preservation/mitigation areas, upland buffer zones, and/or upland preservation areas are hereby dedicated as conservation and common areas.

The conservation/common areas owned by or dedicated to the Babcock Ranch Community Independent Special District shall be the perpetual responsibility of the Babcock Ranch Community Independent Special District and may in no way be altered from their natural or permitted state as documented in Application Nos. 070330-5 and 210526-3536, with the exception of permitted restoration activities. Activities prohibited within the conservation areas include, but are not limited to:

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

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

(c) Removing, destroying or trimming trees, shrubs, or other vegetation, except:

i. The removal of dead trees and shrubs or leaning trees that could cause damage property is authorized;

ii. The destruction and removal of noxious, nuisance or exotic invasive plant species as listed on the most recent Florida Exotic Pest Plant Council's List of Invasive Species is authorized;

iii. Activities authorized by the Permit or described in the Management Plan or otherwise approved in writing by the Grantee are authorized; and

iv. Activities conducted in accordance with a wildfire mitigation plan developed with the Florida Forest Service that has been approved in writing by the Grantee are authorized. No later than thirty (30) days before commencing any activities to implement the approved wildfire mitigation plan, Grantor shall notify the Grantee in writing of its intent to commence such activities. All such activities may only be completed during the time period for which the Grantee approved the wildfire mitigation plan;

(d) Excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other material substance in such manner as to affect the surface;

(e) Surface use except for purposes that permit the land or water area to remain in its natural, restored, enhanced, or created condition;

(f) Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation including, but not limited to, ditching,

diking, clearing, and fencing;

(g) Acts or uses detrimental to such aforementioned retention of land or water areas; and

(h) acts or uses detrimental to the preservation of the structural integrity or physical appearance of sites or properties of historical, architectural, archaeological, or cultural significance.

Copies of recorded documents shall be submitted to the District's Environmental Resource Compliance staff concurrently with engineering certification of construction completion.

33. All onsite mitigation areas identified in this conceptual permit shall be subject to conservation easements in favor of the District with third party enforcement rights granted to the Florida Department of Environmental Protection.

Upon completion of the BRC Mitigation Plan, the conservation easements will encompass $\pm 7,141.61$ acres total, which includes $\pm 2,247.13$ acres of wetlands and $\pm 4,305.41$ acres of uplands (inclusive of the upland buffers), ± 433.37 acres of wetland creation areas (may include transitional uplands and perimeter berms), and ± 155.48 acres of trails.

The mitigation areas will be encumbered by passive recreational conservation easements dedicated to the District with third party enforcement rights granted to the Florida Department of Environmental Protection, utilizing the form attached as Exhibit No. 3.9, as part of future construction authorizations.

These conservation easements shall be recorded within 30 days after issuance of the construction permit requiring the mitigation. No construction shall take place until the conservation easements are signed and recorded.

The mitigation areas approved in this conceptual permit will not receive mitigation credit under future construction permits for this project if the property identified has been:

1. Altered from its present land use in a manner that will adversely affect the mitigation as approved in this conceptual permit.
2. Altered from its present size or configuration in a manner that would adversely affect the mitigation as approved in this conceptual permit.
3. Altered from its present legal ownership in a manner that would adversely affect the mitigation as approved in this conceptual permit.

For future construction modifications, prior to the commencement of construction and in accordance with a permitted work schedule, the permittee shall submit the following information regarding the conservation easements in an electronic or hard copy version for review and approval. Electronic versions shall be submitted via the District's ePermitting/eCompliance website and hard copy versions shall reside on CD disk and be submitted to the District's Environmental Resource Compliance Division in the service area office where the application was submitted.

A)

1. Project map identifying conservation area(s)
2. Legal description of conservation area(s)
3. Signed conservation easement
4. Sealed boundary survey of conservation area(s) by professional Land surveyor (both hard copy original and electronic)

5. Title insurance commitment for conservation easement naming District as beneficiary using approved valuation.

6. Formatting in accordance with paragraph F (below) if available.

The above information shall be submitted to the Environmental Resource Compliance staff in the District service center where the application was submitted or via the District's ePermitting website.

B) The real estate information referenced in paragraph (A) above shall be reviewed by the District in accordance with the District's real estate review requirements. The easement shall not be recorded until such approval is received.

C) The permittee shall record a conservation easement(s) over the real property designated as a conservation / preservation / mitigation area(s). The easement shall be granted free of encumbrances or interests which the District determines are contrary to the intent of the easement. The conservation easement shall be granted to the District utilizing the form attached as Exhibit No. 3.9. Any proposed modifications to the approved form must receive prior written consent from the district.

D) The permittee shall record the conservation easement in the public records within 14 days of receiving the District's approval of the real estate information. Upon recordation, the permittee shall submit two certified copies of the recorded conservation easement for the mitigation area and associated buffers and title insurance policy, to the Environmental Resource Compliance staff in the District service center where the application was submitted.

E) In the event the conservation easement real estate information reveals encumbrances or interests in the easement which the District determines are contrary to the intent of the easement, the permittee shall be required to provide release or subordination of such encumbrances or interests. If such are not obtained, permittee shall be required to apply for a modification to the permit for alternative acceptable mitigation.

F) The permittee shall submit an electronic or hard copy version of the recorded conservation easement for the mitigation area(s) and associated buffer(s). Electronic versions shall be submitted via the District's ePermitting/eCompliance website and hard copy versions shall reside on CD disk and be submitted to the District's Environmental Resource Compliance Division in the service area office where the application was submitted. The data should also be supplied in a digital CAD (.dxf) or GIS (ESRI Coverage) format. The files should be in the Florida State Plane coordinate system, East Zone (3601) with a data datum of NAD83, HARN with the map units in feet.

34. Within 90 days of permit issuance and in accordance with the work schedule herein, the permittee shall submit the following via ePermitting or to the Environmental Compliance staff at the local District office:

-One certified copy of the recorded conservation easement document including exhibits for Mitigation Areas A12, A13, H2, H3, WC-8B, WC-9, WC-10, J1, J2, and J3 as shown on Exhibit No. 3.9. The mitigation areas totals approximately $\pm 1,499$ acres.

-A CD or DVD containing the easement data in a digital ESRI Geodatabase (mdb), ESRI Shapefile (shp) or AutoCAD Drawing Interchange (dxf) file format using Florida State Plane coordinate system, East Zone (3601), Datum NAD83, HARN with the map units in feet.

-A map depicting the Conservation Easement over the best available satellite or aerial imagery.
-Form 1001 ERP REG: Title, Possession, and Lien Affidavit, fully executed by the owner and notarized. The recorded easement shall utilize the form attached as Exhibit No. 3.9. This Exhibit may not be modified. The easement must be free of mortgages, liens, easements or

other encumbrances or interests in the easement which District staff states are contrary to the intent of the easement. In the event it is later determined that there are encumbrances or interests in the easement which the District determines are contrary to the intent of the easement, the permittee shall be required to provide release or subordination of such encumbrances or interests.

35. Permanent physical markers designating the preserve status of the wetland preservation areas and buffer zones shall be placed along conservation areas and development areas as depicted in Exhibit No. 2.0. These markers shall be maintained in perpetuity by the operating entity.
36. A monitoring program shall be implemented in accordance with Exhibit No. 3.8A-E. The monitoring program shall extend for a period of 5 years with annual reports submitted to District staff. At the end of the first monitoring period the mitigation area shall contain an 80% survival of planted vegetation. The 80% survival rate shall be maintained throughout the remainder of the monitoring program, with replanting as necessary. If native wetland, transitional, and upland species do not achieve an 80% coverage within the initial two years of the monitoring program, native species shall be planted in accordance with the mitigation program. At the end of the 5 year monitoring program the entire mitigation area shall contain an 80% survival of planted vegetation and an 80% coverage of desirable obligate and facultative wetland species.
37. A maintenance program shall be implemented in accordance with Exhibit No. 3.8A-E for all mitigation and preservation areas on a regular basis to ensure the integrity and viability of those areas as permitted. Maintenance shall be conducted in perpetuity to ensure that the conservation areas are maintained free from Category 1 & 2 exotic vegetation (as defined by the Florida Exotic Pest Plant Council) immediately following a maintenance activity. Maintenance in perpetuity shall also insure that conservation areas, including buffers, maintain the species and coverage of native, desirable vegetation specified in the permit. Coverage of exotic and nuisance plant species shall not exceed 5% of total cover between maintenance activities. In addition, the permittee shall manage the conservation areas such that exotic/nuisance plant species do not dominate any one section of those areas. Torpedo grass has an allowable maximum coverage of 10% in any mitigation area.
38. All contractors must be provided with a copy of the staff report and permit conditions prior to the commencement of construction. The permittee is responsible for ensuring that all contractors adhere to the project construction details and methods indicated on the attached permit Exhibits and described herein.
39. The permittee and all designated contractors shall adhere to all project and mitigation construction details and methodology indicated on the enclosed permit Exhibits and described herein.
40. The Agency shall cause a "Recorded Notice of Environmental Resource Permit" Form No. 62-330.090(1), (June 1, 2018), incorporated by reference herein (<http://www.flrules.org/Gateway/reference.asp?No=Ref-09362>), a copy of which may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C., to be recorded in the public records of the county where the property is located unless otherwise noted in the permit. This notice shall not be considered an encumbrance upon the property.
41. This permit is issued based on the applicant's submitted information which reasonably demonstrates that adverse water resource related impacts will not be caused by the completed

permit activity. Should any adverse impacts caused by the completed stormwater management system occur, the District will require the permittee to provide appropriate mitigation to the District or other impacted party. The District will require the permittee to modify the stormwater management system, if necessary, to eliminate the cause of the adverse impacts.

42. (a) This conceptual approval permit only authorizes design concepts for a master or future plan to construct, alter, operate, maintain, remove, or abandon projects that require an individual permit under Part IV of Chapter 373, F.S. It does not authorize any construction, alteration, operation, maintenance, removal, or abandonment, or the establishment and operation of a mitigation bank, or relieve the permit holder of any requirements to obtain such permits. General Conditions 1, 3, 4, 6, 7, 16 and 18 are not applicable until an Individual Permit authorizing a phase of construction is issued.

(b) Subsequent applications to construct and operate activities shall be prepared and submitted using the procedures in Rules 62-330.060, 62-330.061, and 62-330.071, F.A.C..

(c) Issuance of this conceptual approval permit is a determination, within the level of detail provided in the application, that the activities approved in this permit are consistent with applicable rules at the time of issuance. This permit provides the conceptual approval permit holder with a rebuttable presumption, during the duration of this permit, that the engineering design and environmental concepts upon which the designs approved herein are likely to meet applicable rule criteria for issuance of permits for subsequent phases of the project, provided all of the requirements of Rule 62-330.056(7)(a) through (d), F.A.C are met at the time of receipt of a complete application to construct and operate the future phase(s).

(d) If changes are proposed to the design of existing or future phases, or where there have been changes to state water quality standards, special basins, or site characteristics as described in rule 62-330.056(7)(a) through (d), F.A.C, during the duration of this permit, the applicant must modify this permit if it wishes to continue to rely on it as a basis that reasonable assurance exists for the Agency to issue future construction or operation permits. If the permittee fails to do this, this conceptual approval permit can no longer be relied upon as a basis, in part or whole, for permits to construct or operate future phases, and the Agency will reevaluate the terms and conditions of this permit at the time a permit application is received to construct the next phase of activities.

(e) The duration of this conceptual approval permit is 20 years, provided that, within five years of issuance of this permit:

1. The permittee applies for and receives an Individual Permit for the initial phase of construction or alteration, and

2. The authorized construction or alteration has begun and the work remains in compliance with the terms and conditions of both the conceptual approval permit and all permits authorizing construction or alteration, including required operation.

These time periods will be tolled if the Agency is notified, in writing, within five years of issuance that administrative review under either of the following is pending: a. The project approved by the conceptual approval permit is undergoing Development of Regional Impact review pursuant to Section 380.06, F.S., and an administrative appeal of that review has been filed; or b. The issuance of the construction permit for the first phase is under administrative review pursuant to Sections 120.569 or 120.57, F.S.

43. Prior to any future construction, the permittee shall apply for and receive an Individual ERP. As part of the permit application, the applicant for that phase shall provide documentation verifying that the proposed construction is consistent with the design of the master stormwater

management system, including the land use and site grading assumptions made in this application.

44. The delineation of the extent of wetlands and/or other surface waters located within the limits of the project area shall be considered binding as reflected on the Specific Purpose Survey (Exhibit 7.0 Incorporated by Reference in Application No. 070330-5). The extent of wetlands/uplands located outside the limits of the development has not been verified and shall not be considered binding.
45. Irrigation withdrawals and construction dewatering are not authorized until construction approval is obtained.
46. All stormwater management and environmental conditions and exhibits of Permit No. 08-00004-05-S included in the previous permit for this development are still in effect and hereby incorporated within this permit modification by reference unless specifically revised in this modification.
47. The exhibits and special conditions in this permit apply only to this application. They do not supersede or delete any requirements for other applications covered in Permit No. 08-00004-S-05/Application No. 070330-5 unless otherwise specified/updated herein.

The overall BRC Mitigation Plan included in this application supercedes the mitigation, monitoring, and maintenance plan under Application No. 070330-5.

Project Work Schedule for Permit No. 08-105624-P

The following activities are requirements of this Permit and shall be completed in accordance with the Project Work Schedule below. Please refer to General Conditions, Special Conditions and/or Specific Conditions for more information. Any deviation from these time frames will require prior approval from the District's Environmental Resources Bureau and may require a minor modification to this permit. Such requests must be made in writing and shall include: (1) reason for the change, (2) proposed start/finish and/or completion dates, and (3) progress report on the status of the project.

Condition No.	Date Added	Description (Application Number)	Due Date	Date Satisfied
SC 34	09/24/2021	Submit Recorded CE for Mitigation Areas A12, A13, H2, H3, WC-8B, WC-9, WC-10, J1, J2, and J3	12/22/2021	

GC = General Condition

SC = Special Condition

Distribution List

Amy N Wicks, Kimley-Horn And Associates, Inc.

Laura Herrero, Johnson Engineering

Amber Crooks, Conservancy Of Southwest Florida

Julieanne Thomas, Conservancy Of Southwest Florida

Audubon of Florida

Div of Recreation and Park - District 4

US Army Corps of Engineers - Permit Section

FDEP- South District

Exhibits

The following exhibits to this permit are incorporated by reference. The exhibits can be viewed by clicking on the links below or by visiting the District's ePermitting website at <http://my.sfwmd.gov/ePermitting> and searching under this application number 200526-3536 .

[Exhibit No. 1.0 Location Map - Permit Area](#)

[Exhibit No. 1.1 Location Map - Project Area](#)

[Exhibit No. 2.0 Site Plans \(Overall Site\)](#)

[Exhibit No. 2.1 Site Plans \(Tract C\)](#)

[Exhibit No. 2.2 Site Plans \(Tract D\)](#)

[Exhibit No. 2.3 Site Plans \(Tract E\)](#)

[Exhibit No. 2.4 Site Plans \(Tract F\)](#)

[Exhibit No. 2.5 Site Plans \(Tract G\)](#)

[Exhibit No. 2.6 Site Plans \(Tract H\)](#)

[Exhibit No. 2.7 Discharge Rates](#)

[Exhibit No. 2.8 Water Quality](#)

[Exhibit No. 2.9 Urban Stormwater Management Plan](#)

[Exhibit No. 3.0 FLUCFCS Map](#)

[Exhibit No. 3.1 Impact Map](#)

[Exhibit No. 3.2 Preserve Map](#)

[Exhibit No. 3.3 Elimination and Reduction Analysis](#)

[Exhibit No. 3.4 UMAM Summary East of Curry](#)

[Exhibit No. 3.5 BRC Comprehensive UMAM Summary](#)

[Exhibit No. 3.6 Mitigation & Conservation Easement Location Map](#)

[Exhibit No. 3.7 BRC Conservation Easement & Mitigation Log](#)

[Exhibit No. 3.8A BRC Comprehensive Mitigation Plan](#)

[Exhibit No. 3.8B BRC Comprehensive Mitigation Plan](#)

[Exhibit No. 3.8C BRC Comprehensive Mitigation Plan](#)

[Exhibit No. 3.8D BRC Comprehensive Mitigation Plan](#)

[Exhibit No. 3.8E BRC Comprehensive Mitigation Plan](#)

[Exhibit No. 3.9 Conservation Easement Form](#)

[Exhibit No. 3.10 Protected Species Map](#)

[Exhibit No. 3.11 Biological Assessment](#)

[Exhibit No. 3.12 FWC Letter](#)

[Exhibit No. 3.13A Listed Species Management Plans and Human-Wildlife Coexistence Plan](#)

[Exhibit No. 3.13B Listed Species Management Plans and Human-Wildlife Coexistence Plan](#)

[Exhibit No. 3.13C Listed Species Management Plans and Human-Wildlife Coexistence Plan](#)

[Exhibit No. 4.0 BRCISD Resolution](#)

[Exhibit No. 5.1 Original Conceptual Permit](#)

NOTICE OF RIGHTS

As required by Chapter 120, Florida Statutes, the following provides notice of the opportunities which may be available for administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes, or judicial review pursuant to Section 120.68, Florida Statutes, when the substantial interests of a party are determined by an agency. Please note that this Notice of Rights is not intended to provide legal advice. Some of the legal proceedings detailed below may not be applicable or appropriate for your situation. You may wish to consult an attorney regarding your legal rights.

RIGHT TO REQUEST ADMINISTRATIVE HEARING

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

If the District takes final agency action that materially differs from the noticed intended agency decision, persons who may be substantially affected shall, unless otherwise provided by law, have an additional point of entry pursuant to Rule 28-106.111, Florida Administrative Code.

Any person to whom an emergency order is directed pursuant to Section 373.119(2), Florida Statutes, shall comply therewith immediately, but on petition to the board shall be afforded a hearing as soon as possible.

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

FILING INSTRUCTIONS

A petition for administrative hearing must be filed with the Office of the District Clerk. Filings with the Office of the District Clerk may be made by mail, hand-delivery, or e-mail. Filings by facsimile will not be accepted. A petition for administrative hearing or other document is deemed filed upon receipt during normal business hours by the Office of the District Clerk at the District's headquarters in West Palm Beach, Florida. The District's normal business hours are 8:00 a.m. – 5:00 p.m., excluding weekends and District holidays. Any document received by the Office of the District Clerk after 5:00 p.m. shall be deemed filed as of 8:00 a.m. on the next regular business day.

Additional filing instructions are as follows:

- Filings by mail must be addressed to the Office of the District Clerk, 3301 Gun Club Road, West Palm Beach, Florida 33406.
- Filings by hand-delivery must be delivered to the Office of the District Clerk. Delivery of a petition to the District's security desk does not constitute filing. It will be necessary to request that the District's security officer contact the Office of the District Clerk. An employee of the District's Clerk's office will receive and process the petition.
- Filings by e-mail must be transmitted to the Office of the District Clerk at clerk@sfwmd.gov. The filing date for a document transmitted by electronic mail shall be the date the Office of the District Clerk receives the complete document.

INITIATION OF ADMINISTRATIVE HEARING

Pursuant to Sections 120.54(5)(b)4. and 120.569(2)(c), Florida Statutes, and Rules 28-106.201 and 28-106.301, Florida Administrative Code, initiation of an administrative hearing shall be made by written petition to the District in legible form and on 8 1/2 by 11 inch white paper. All petitions shall contain:

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

MEDIATION

The procedures for pursuing mediation are set forth in Section 120.573, Florida Statutes, and Rules 28-106.111 and 28-106.401-.405, Florida Administrative Code. The District is not proposing mediation for this agency action under Section 120.573, Florida Statutes, at this time.

RIGHT TO SEEK JUDICIAL REVIEW

Pursuant to Section 120.68, Florida Statutes, and in accordance with Florida Rule of Appellate Procedure 9.110, a party who is adversely affected by final District action may seek judicial review of the District's final decision by filing a notice of appeal with the Office of the District Clerk in accordance with the filing instructions set forth herein within 30 days of rendition of the order to be reviewed, and by filing a copy of the notice with the appropriate district court of appeals via the Florida Courts E-Filing Portal.