



# Florida Department of Environmental Protection

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

Rick Scott  
Governor

Carlos Lopez-Cantera  
Lt. Governor

Noah Valenstein  
Secretary

May 23, 2018

**Via Email**  
**Return Receipt Requested**

Mr. Brett J. Cyphers  
Executive Director  
Northwest Florida Water Management District  
81 Water management Drive  
Havana, Florida 32333

**RE: Sand Hill Lakes Mitigation Bank**  
**ERP No. 0227351-020**  
**Third Interim Success Credit Release**

Dear Mr. Cyphers

Your request to modify this permit has been received and reviewed by Department staff. This modification releases a total of 29.8 mitigation credits (12.3 Flatwoods Credits; 14.6 Mixed Hardwoods Credits; and 2.9 Herbaceous Credits) to the Sand Hill Lakes Mitigation Bank.

### **Release of Mitigation Credits**

The Department received a copy of the 2017 Annual Monitoring Report on January 29, 2018. On March 28, 2018, the Department conducted a site inspection of the mitigation bank. Based on the information in the application, the Annual Monitoring Reports and the results of the site inspection, and in accordance with Specific Condition 23 of ERP No. 0227351-020, the Department hereby grants the release of 29.8 mitigation credits (12.3 Flatwoods Credits; 14.6 Mixed Hardwoods Credits; and 2.9 Herbaceous Credits) as requested. The credits are being released for meeting the 3<sup>rd</sup> Interim Credit Release and in accordance with the interim credit release schedule in Specific Condition 19 of the permit.

By copy of this letter and the attached ledger, we are notifying all necessary parties of the modification. The files associated with this order are available upon request. Please address your email request to [FDEPMitigationBankTeam@dep.state.fl.us](mailto:FDEPMitigationBankTeam@dep.state.fl.us) or contact our office at 850.245.8336; please include the file number in your request.

## **NOTICE OF RIGHTS**

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the application.

### Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rule 28-106.201, F.A.C., a petition for an administrative hearing must contain the following information:

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

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 21 days of receipt of such notice, regardless of the date of publication. The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when this order is filed with the Clerk of the Department.

Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida 32399-3000; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date this action is filed with the Clerk of the Department.

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



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Timothy Rach  
Program Administrator  
Submerged Lands and Environmental Resources Coordination Program

**Attachments:** ledger

**Copies furnished to:**

David Clayton – NFWFMD  
Thomas Mings, Mitigation Bank Team - USACE  
Mitigation Program File

**CERTIFICATE OF SERVICE**

The undersigned duly designated deputy agency clerk hereby certifies that this **ENVIRONMENTAL RESOURCE PERMIT MODIFICATION** and all copies, were transmitted before the close of business on May 23, 2018 to the above listed persons.

**FILING AND ACKNOWLEDGMENT**

FILED, on this date, under subsection 120.52(9), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.



5/23/18

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**Clerk**

**Date**

**Sand Hill Lakes**  
**Permit Ledger No: 227351**

**Freshwater Flatwoods: Total Potential Credits = 123.1**

Impact Permit Number	Permit Date		Ledger Modification	Credit Added	Credit Used	Balance	Impact Permittee name
initial release	n/a	DEP	5/23/06	30.8		30.80	QMS, preservation, financial
burn release	n/a	DEP	5/23/06	12.3		43.10	initial burn
03-0268000-001	03/16/07	DEP	3/4/08		16.1	27.00	DOT_Dist #3
03-0198390-002	09/23/02	DEP	3/4/08		4.33	22.67	DOT_Dist #3
03-0202923-001	12/20/02	DEP	3/4/08		3.42	19.25	DOT_Dist #3
03-0195655-001	08/02/02	DEP	3/4/08		9.19	10.06	DOT_Dist #3
03-0192214-002	04/26/02	DEP	3/4/08		1.38	8.68	DOT_Dist #3
SC10 release	n/a	DEP	3/6/08	12.3		20.98	community restoration
SC12 release	n/a	DEP	3/6/08	12.3		33.28	hydrology restoration
1st interim release	n/a	DEP	10/7/10	6.2		39.48	1st Interim
2nd interim release	n/a	DEP	5/20/13	6.1		45.58	2nd Interim

**Credit Release**      **5/23/2018**      **FDEP**      **5/23/18**    **12.3**      **0**      **57.88**    **Third Interim Credit Release**

**Freshwater Herbaceous Wetlands: Total Potential Credits = 29.2**

Impact Permit Number	Permit Date		Ledger Modification	Credit Added	Credit Used	Balance	Impact Permittee name
initial release	n/a	DEP	5/23/06	7.3		7.30	QMS, preservation, financial
burn release	n/a	DEP	5/23/06	2.9		10.20	initial burn
03-0198390-002	09/23/02	DEP	3/4/08		1.68	8.52	DOT_Dist #3
03-0202923-001	12/20/02	DEP	3/4/08		1.33	7.19	DOT_Dist #3
03-0195655-001	08/02/02	DEP	3/4/08		3.44	3.75	DOT_Dist #3
03-0192214-002	04/26/02	DEP	3/4/08		0.52	3.23	DOT_Dist #3

SC10 release	n/a	DEP	3/6/08	2.9	6.13	community restoration
SC12 release	n/a	DEP	3/6/08	2.9	9.03	hydrology restoration
30-0294647-001	04/22/09	DEP	9/30/10	0.09	8.94	Adler
1st interim release	n/a	DEP	10/7/10	1.4	10.34	1st Interim
2nd interim release	n/a	DEP	5/20/13	1.5	11.84	2nd Interim
67-0320228-001-EI	09/05/13	DEP	9/13/13	0.8	11.04	Fl Gas Transmission
1585	05/30/14	NWFWMD	8/20/15	4.23	6.81	FDOT- SR79B S PhaseC
133-16988-1	11/23/15	NWFWMD	2/16/16	1.14	5.67	FDOT- SR79 PhaseD
67-0345639-001	11/22/16	FDEP	7/11/17	2.28	3.39	FDOT
<b>Credit Release</b>	<b>5/23/2018</b>	<b>FDEP</b>	<b>5/23/18</b>	<b>2.9</b>	<b>0</b>	<b>6.29 Third Interim Credit Release</b>

**Freshwater Mixed Hardwoods: Total Potential Credits = 146.1**

Impact Permit Number	Permit Date		Ledger Modification	Credit Added	Credit Used	Balance	Impact Permittee name
initial release	n/a	DEP	5/23/06	36.5		36.50	QMS, preservation, financial
burn release	n/a	DEP	5/23/06	14.6		51.10	initial burn
03-0268000-001	03/16/07	DEP	3/4/08		2.25	48.85	DOT_Dist #3
03-0198390-002	09/23/02	DEP	3/4/08		8.08	40.77	DOT_Dist #3
03-0202923-001	12/20/02	DEP	3/4/08		6.38	34.39	DOT_Dist #3
03-0195655-001	08/02/02	DEP	3/4/08		16.37	18.02	DOT_Dist #3
03-0192214-002	04/26/02	DEP	3/4/08		2.46	15.56	DOT_Dist #3
SC10 release	n/a	DEP	3/6/08	14.6		30.16	community restoration
SC12 release	n/a	DEP	3/6/08	14.6		44.76	hydrology restoration
30-168551-009	10/14/09	DEP	1/22/10		1.65	43.11	Tri-county airport
67-0286499-001	08/11/08	DEP	9/30/10		1.09	42.02	State Rd 79

67-0278545-001	03/13/09	DEP	9/30/10	7.6	34.42	State Rd 79
1st interim release	n/a	DEP	10/7/10	7.3	41.72	1st Interim
03-0308145-001	12/01/11	DEP	12/5/11	0.18	41.54	TECO Gas Pressure Reducing
1284	03/05/12	NWFWMD	8/14/12	1.07	40.47	DOT Ponce de Leon Access Rd
1238.01	06/06/13	NWFWMD	10/1/12	0.94	39.53	SR 79 Multi-Lane Mod to P#1238
1420	110/26/12	NWFWMD	3/8/13	2	37.53	DOT-SR79 at CypressCk
2nd interim release	n/a	DEP	5/20/13	7.3	44.83	2nd Interim
1480	04/26/13	NWFWMD	7/18/13	0.15	44.68	Teramore-Dollar General
1270.01	11/08/12	NWFWMD	2/3/14	0.31	44.37	FDOT River Rd-GumCk
1559	03/27/14	NWFWMD	5/14/14	0.09	44.28	Concept Develmt -retail
1601.02	11/20/14	NWFWMD	1/6/15	2.14	42.14	FDOT- hwy 77ClaytonRd to I-10
1585	05/30/14	NWFWMD	8/20/15	10.45	31.69	FDOT- SR79B S PhaseC
133-16988-1	11/23/15	NWFWMD	2/16/16	2.01	29.68	FDOT- SR79 PhaseD
<b>Credit Release</b>	<b>5/23/2018</b>	<b>FDEP</b>	<b>5/23/18</b>	<b>14.6</b>	<b>0</b>	<b>44.28</b> <b>Third Interim Credit Release</b>