

RESOLUTION 91-159

WHEREAS, St. Johns County has received a request by Mr. and Mrs. Afentul to construct a residential driveway access within County Right-of-Way known as Madison Road.

NOW, THEREFORE, BE IT RESOLVED, that the St. Johns County Board of County Commissioners hereby grants to the owner of the following described property: All of Tract 4, and Tract 5, less the north 543 feet, Block 14, Plat of Riverdale as in Map Book 1, pages 149 through 154, St. Johns County, Florida, permission to: Construct a stabilized driveway within County owned Right-Of-Way known as Madison Road.

Subject to the following conditions:

1. This right of use is non-exclusive.
2. The stabilized driveway will be constructed a distance of approximately 1100 feet, extending from the existing Orange Road southward to its point of termination, as identified on the conceptual plan dated August 12, 1991.
3. The owner of the above described property and future owners must remove and/or relocate the stabilized access at their expense, upon request of the County, for any reason, at any time in the future.
4. The stabilized access located within County Right-of-Way must be privately maintained to St. Johns County standards by the lot owner at all times. St. Johns County will assume no responsibility for maintenance of this use.
5. This permission from the Board of County Commissioners is granted subject to the issuance of all necessary permits, including the FDER and the U.S. Army Corps of Engineers dredge and fill permits, and approval of construction plans by the County Engineering Department. Construction of this paved access is not authorized by St. Johns County until issuance of all required permits for construction.
6. The owner of the above described property, by acceptance of these conditions and locating the stabilized access within the right-of-way, agrees to assume all liability for the permitting, location, installation and maintenance of the access for as long as it may remain within County right-of-way.

ADOPTED THIS 8th day of October, 1991, by the St. Johns County Board of County Commissioners.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

BY *Donald H. Hurd*
Its Chairman

ATTEST: CARL "BUD" MARKEL, CLERK

BY *Deborah M. O'Keefe*
Deputy Clerk

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION
NOTICE OF PERMIT ISSUANCE

CERTIFIED MAIL
RETURN RECEIPT

In the Matter of an Application
for Permit by:

DER File No.: 551971872
St. Johns County-WRM

Fred & Kathryn Afentul
c/o Nancy Zyski
Environmental Services, Inc.
8711 Perimeter Park Blvd., Suite 11
Jacksonville, FL 32216

Enclosed is Permit Number 551971872 to construct a driveway, issued pursuant to Section 403, Florida Statutes, and Florida Administrative Code Rules 17-4 and 17-312, and Water Quality Certification pursuant to Section 401 of Public Law 92-500.

A person whose substantial interests are affected by this permit may petition for an administrative proceeding (hearing) in accordance with Section 120.57, Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, within 14 days of receipt of this Permit. Petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under Section 120.57, Florida Statutes.

The Petition shall contain the following information:

- (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed;
- (b) A statement of how and when each petitioner received notice of the Department's action or proposed action;
- (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action;

(d) A statement of the material facts disputed by Petitioner, if any;

(e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action;

(f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and

(g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this permit. Persons whose substantial interests will be affected by any decision of the Department with regard to the application have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 14 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-5.207, F.A.C.

This permit is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above paragraphs or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition and conforms to Rule 17-103.070, F.A.C. Upon timely filing of a petition or a request for an extension of time this permit will not be effective until further Order of the Department.


When the Order (Permit) is final, any party to the Order has the right to seek judicial review of the Order pursuant to Section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate procedure, with the Clerk of the Department in the Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; 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 the Final Order is filed with the Clerk of the Department.

File No.: 551971872

(2)

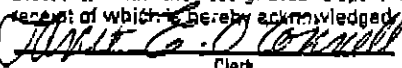
Executed in Jacksonville, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION


 Ernest E. Frey, P.E.
 Director of District Management
 Northeast District Office
 7825 Baymeadows Way, B-200
 Jacksonville, FL 32256-7577
 (904) 448-4300

CERTIFICATE OF SERVICE

This is to certify that the NOTICE OF PERMIT and all copies were mailed before the close of business on 9-19-91 to the listed persons.

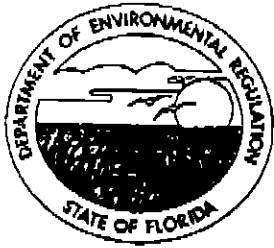
FILING AND ACKNOWLEDGEMENT
 FILED, on this date, pursuant to §120.52, Florida
 Statutes, with the designated Department Clerk,
 receipt of which is hereby acknowledged.
 9-19-91
 Clerk Date

Copies furnished to:

Fred & Kathryn Afentul (Certified #P 520 284 734)

File No. 551971872

(3)



Florida Department of Environmental Regulation

Northeast District • Suite B200, 7825 Baymeadows Way • Jacksonville, Florida 32256-7577

Lawton Chiles, Governor

Carol M. Browner, Secretary

PERMITTEE:

Fred & Kathryn Afentul
c/o Nancy Zyski
Environmental Services, Inc.
8711 Perimeter Park Blvd., Suite 11
Jacksonville, FL 32216

I.D. Number: WRM
Permit/Cert. Number: 551971872
Date of Issue: 9/18/91
Expiration Date: 9/18/96
County: St. Johns
Lat/Long: 29°49'45"/81°32'22"
Section/Township/Range: 38/8S/27E
Project: Construct a driveway.

This permit is issued under the provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Rule(s) 17-312. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the department and made a part hereof and specifically described as follows:

Construct a total of 270 feet of sand and limerock access driveway, composed of 80 foot long and 190 foot long sections separated by uplands, within an existing platted, previously impacted, county roadway easement through wetlands associated with Paines Branch, St. Johns County. The driveway is to be 18 feet in width with 3:1 (horizontal:vertical) side slopes, giving a base width of 24 feet, and is to have two 24 inch diameter culverts placed in existing ditches as shown on permit drawing #3. The project will permanently destroy 0.15 acre of previously impacted wetlands, and to mitigate for this loss, 0.45 acre of hardwood wetland is to be created from adjacent uplands.



PERMITTEE:

Fred & Kathryn Afentul

I.D. Number: WRM

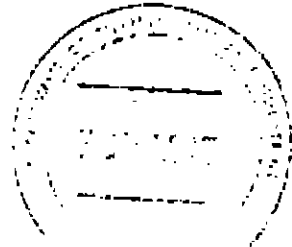
Permit Number: 551971872

Date of Issue: 9/18/91

Expiration Date: 9/18/96

GENERAL CONDITIONS:

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit, are "permit conditions" and are binding and enforceable pursuant to Sections 403.141, 403.727, or 403.859 through 403.861, F.S. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
3. As provided in subsections 403.087(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in this permit.
4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.
5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.
6. The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the permittee to achieve compliance with the conditions of this permit, are required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.
7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located or conducted to:
 - (a) Have access to and copy any records that must be kept under conditions of the permit;



PERMITTEE:

Fred & Kathryn Amentul

I.D. Number: WRM

Permit Number: 551971872

Date of Issue: 9/18/91

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(b) Inspect the facility, equipment, practices, or operations regulated or required under this permit; and

(c) Sample or monitor any substances or parameters at any location reasonable necessary to assure compliance with this permit or Department rules.

Reasonable time may depend on the nature of the concern being investigated.

8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:

- a. A description of and cause of noncompliance; and
- b. The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to educe, eliminate, and prevent recurrence of the noncompliance. The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.

9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is prescribed by Section 403.111 and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

10. The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules. A reasonable time for compliance with a new or amended surface water quality standard, other than those standards addressed in Rule 17-3.051, shall include a reasonable time to obtain or be denied a mixing zone for the new or amended standard.

11. This permit is transferable only upon Department approval in accordance with Rule 17-4.120 and 17-730.300 F.A.C., as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.

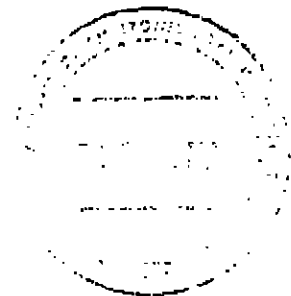


PERMITTEE:

Fred & Kathryn Afentul

I.D. Number: WRM
Permit Number: 551971872
Date of Issue: 9/18/91
Expiration Date: 9/18/96

12. This permit or a copy thereof shall be kept at the work site of the permitted activity.
13. This permit also constitutes Certification of compliance with state Water Quality Standards (Section 401, PL 92-500).
14. The permittee shall comply with the following:
- a. Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.
 - b. The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.
 - c. Records of monitoring information shall include:
 1. the date, exact place, and time of sampling or measurements;
 2. the person responsible for performing the sampling or measurements;
 3. the dates analyses were performed;
 4. the person responsible for performing the analyses;
 5. the analytical techniques or methods used;
 6. the results of such analyses.
15. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware the relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.



PERMITTEE:

Fred & Kathryn Afentul

I.D. Number: WRM

Permit Number: 551971872

Date of Issue: 9/18/91

Expiration Date: 9/18/96

SPECIFIC CONDITIONS:

1. The permittee is hereby advised that Florida law states: "No person shall commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund or the Department of Natural Resources under Chapter 253, until such person has received from the Board of Trustees of the Internal Improvement Trust Fund the required lease, license, easement, or other form of consent authorizing the proposed use." Pursuant to Florida Administrative Code Rule 16Q-14, if such work is done without consent, or if a person otherwise damages state land or products of state land, the Board of Trustees may levy administrative fines of up to \$10,000 per offense.
2. If historical or archaeological artifacts, such as Indian canoes, are discovered at any time within the project site the permittee shall immediately notify the district office and the Bureau of Historic Preservation, Division of Historical Resources, R. A. Gray Building, 500 S. Bronough St., Tallahassee, Florida 32399-0250.
3. Prior to commencement of work authorized by this permit, the permittee shall provide written notification of the date of the commencement and proposed schedule of construction to the Northeast District Office of the Department of Environmental Regulation, Wetland Management Section, Suite B-200, 7825 Baymeadows Way, Jacksonville, FL 32256-7577.
4. The project shall comply with applicable State Water Quality Standards, namely:
17-302.500 - Minimum Criteria for All Waters at All Times and All Places.
17-302.510 - Surface Waters: General Criteria.
17-302.560 - Criteria - Class III Waters - Recreation, Propagation and Management of Fish and Wildlife: Surface Waters.
5. The work shall be done during periods of average or low water.
6. The structure authorized by this permit shall not be placed on any property, other than that owned by the permittee, without the prior written approval of that property owner.
7. This permit does not authorize the entrenchment of any water, sewer, cable or utility lines within wetlands areas.
8. This permit does not constitute any approval of the stormwater management system which must be obtained separately from the appropriate agency.
9. Culverts shall be set with inverts at a depth sufficient to allow a natural, unrestricted ebb and flow of waters within the impacted area, and of sufficient size to prevent any upstream flooding.

CONTINUED NEXT PAGE



PERMITTEE:

Fred & Kathryn Afentul

I.D. Number: WRM

Permit Number: 551971872

Date of Issue: 9/18/91

Expiration Date: 9/18/96

SPECIFIC CONDITIONS CONTINUED:

10. Turbidity and erosion control devices shall be installed prior to any excavation or placement of fill material and shall remain in place until the fill has been vegetatively stabilized.
11. All fill slopes shall be sodded or seeded and mulched within 10 days following their completion and a substantial vegetation cover must be established within 60 days of sodding or seeding.
12. The "Mitigation Plan for Afentul Residence" submitted on September 17, 1991, shall be appended as a Specific Condition of this permit. Any specific condition requirements listed herein shall supercede or modify any requirements contained in the appended mitigation plan.
13. The construction sequence for the mitigation area shall be as follows:
 - (a) The uplands, as shown on the attached sheet as "mitigation area", shall be excavated to 4 to 6 inches below the elevation of the adjacent wetland areas.
 - (b) The spoil material shall be deposited on a self-contained, upland spoil site which will prevent the escape of the spoil material and return water from the spoil site into surface waters of the state.
 - (c) The muck topsoil from the wetland area to be filled shall be excavated and then spread evenly throughout the over-excavated area [as per condition 13(a)] to raise the elevation of that area to that of adjacent natural wetland areas. The purpose of this transfer of the muck topsoil is to promote seed bank inoculation.
 - (d) The wetland area to be filled can then be so done to design depths as indicated on attached plans.
 - (e) All slopes shall be stabilized to prevent erosion into existing and newly created wetland areas or waters of the state.
14. The mitigation areas shall be planted with submerged species of trees as listed in FAC Rule 17-301.400 on ten foot centers or at a density of 400 trees per acre. All trees planted within this mitigation area shall be from 1 to 2 feet in height and show apical growth for a period of 2 years. At that time, trees not showing apical growth shall be replanted.
15. The Northeast District Office of the Department of Environmental Regulation (DER) shall be notified in writing of the date that the construction of the mitigation area begins and the date that it is complete (including plantings). This period shall not exceed six months. The permittee shall submit an 'As Built' survey of the mitigation area to the Department within fourteen (14) days of the completion of the regrading of the mitigation area.

CONTINUED NEXT PAGE



PERMITTEE:

Fred & Kathryn Afentul

I.D. Number: WRM

Permit Number: 551971872

Date of Issue: 9/18/91

Expiration Date: 9/18/96

SPECIFIC CONDITIONS CONTINUED:

- 16. In order to determine the success of the mitigation, the applicant shall monitor the sites at the completion and then semi-annually for three years. Site monitoring shall include an initial topographic survey of the created wetland area, including enough adjacent existing wetlands to show continuity with those areas, and a determination of species composition and coverage to be accompanied with current photographs. Subsequent monitoring shall include only a determination of species composition and coverage with current photographs. A written report shall be submitted to the Northeast District Office of the DER within one week of the field monitoring. The report shall be reviewed by departmental staff and the success of the mitigation plan be evaluated.
- 17. The survival rate of planted trees shall be determined one year after revegetation of the mitigation area. If a rate of less than 400 trees per acre are surviving, as evidenced by apical growth, the permittee shall replant a sufficient number of trees to guarantee a survival rate of at least 400 per acre at the end of the second year. If at the end of that time, 400 trees per acre are not viable, the mitigation plan shall be re-evaluated and modified to the extent necessary to insure establishment of a viable wetland system.
- 18. Within the wetland creation area, non-native vegetation and nuisance vegetation such as Typha sp., shall be controlled by hand clearing or other methods approved by the Department so that they constitute no more than 10% of the areal cover at any monitoring period.
- 19. Encroachment within and access to the mitigation area shall be restricted by the permittee.

Issued this 18th day of September, 1991

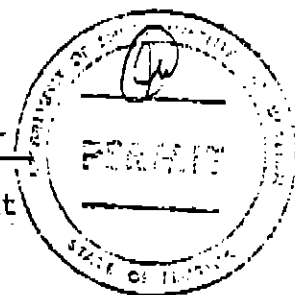
FILING AND ACKNOWLEDGEMENT

FILED, on this date, pursuant to § 120.52, Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

MAITC O. L. ... 9-19-91
Clerk Date

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL REGULATION

For: [Signature]
Ernest E. Frey, P.E.
Director of District Management

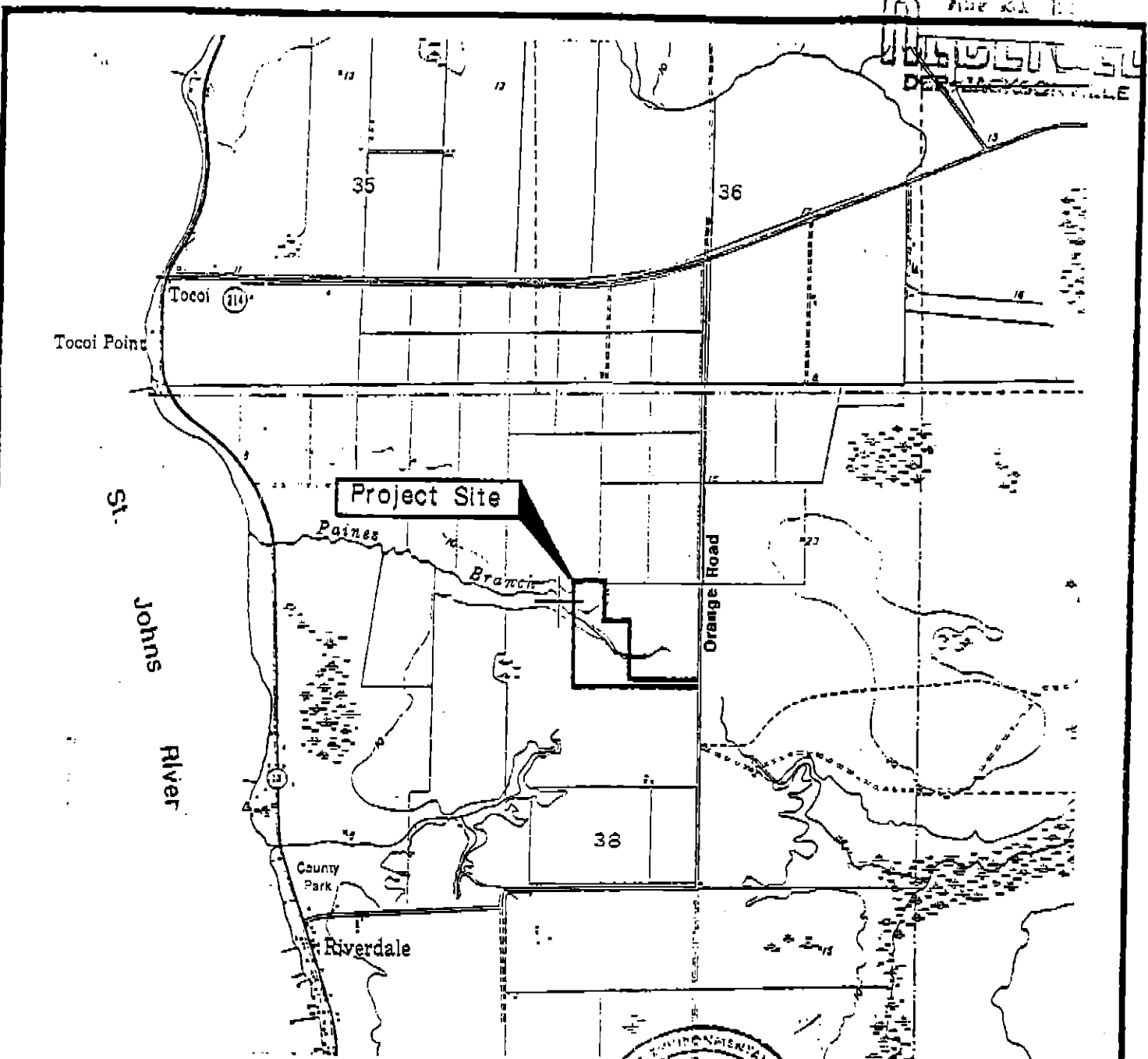


Copy to: ACOE, Jacksonville
DNR, Jacksonville
County Tax Assessor

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this NOTICE OF PERMIT and all copies were mailed before the close of business on 9-19-91 to the listed persons.

NORTHEAST
 REPORT
 AUG 23 1991
 HIGHLAND
 DEPT JACKSONVILLE



Source: U.S.G.S. Topographical Survey,
 Riverdale, Fla., Quadrangle. (1970)

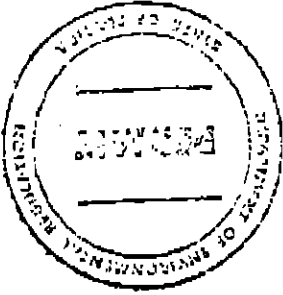
Figure 1
 Location Map



Fred Ament
 ENVIRONMENTAL
 SERVICES, INC.

Amentul
 Residence

Proj No.	91-083
Date revised	8/12/91
Scale	1"=2000'
Drawing No.	1 of 6



Existing Orange Road

24" CMP (Proposed)

24" CMP (Proposed)

County Easement

Madison Road to be built

See Details page 3 of 6.

Proposed Fill 0.15 Acres (600 c.y.)

Estimated Wetland Jurisdiction Lines based upon field visit with DER.

Mitigation Area 0.45 acre See Details page 6 of 6.

Property Line

Estimated Wetland Jurisdiction Line (not Surveyed)

Proposed House

Approximate Wetland Jurisdiction Line as Surveyed

Jefferson Road

Figure 2
Site Plan



Fred Afentul
ENVIRONMENTAL SERVICES, INC.

Afentul Residence

Project No. 91-083

Date revised 8/12/91

Scale 1"=300'

Drawing No. 2 of 6

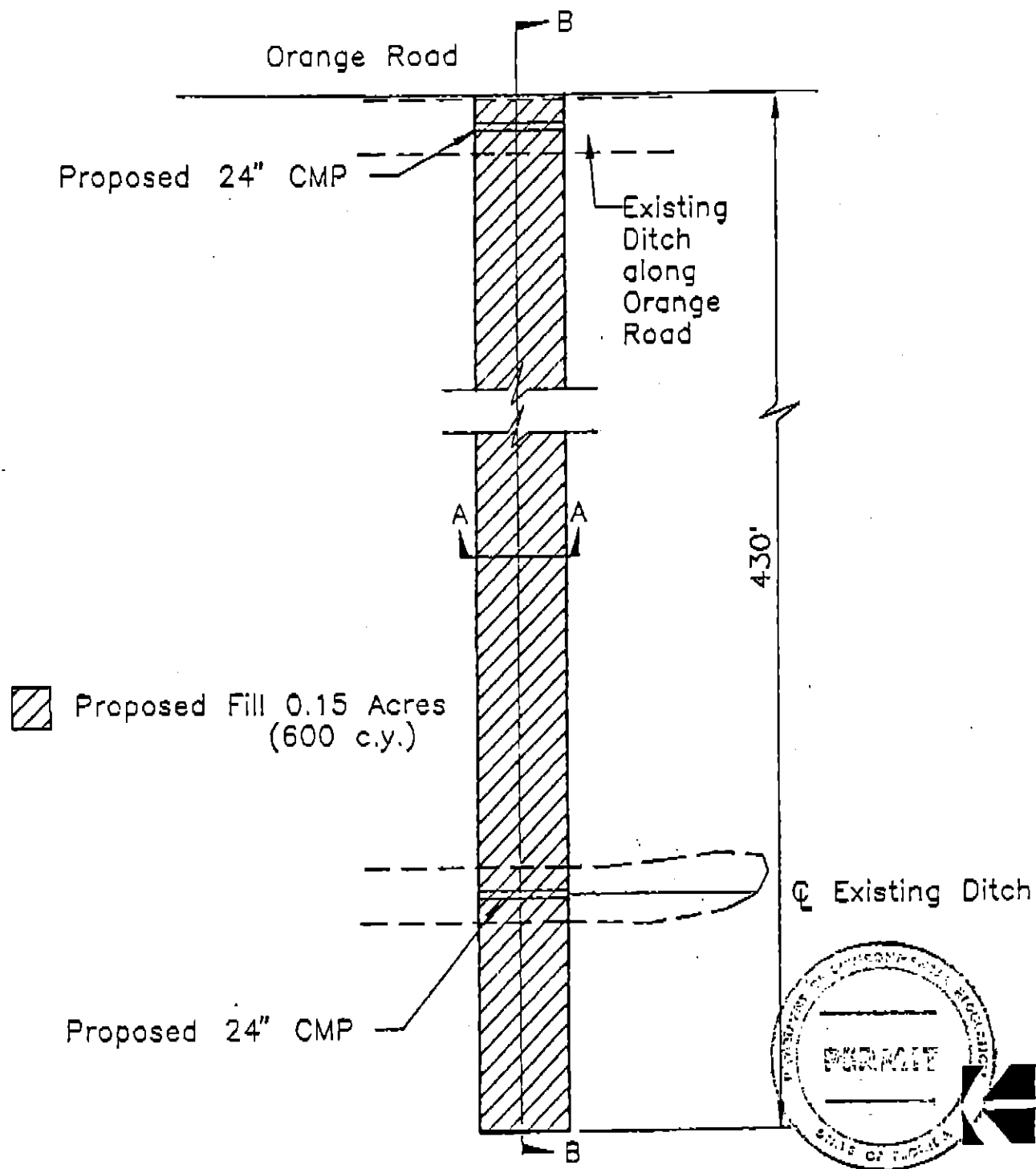


Figure 3



Fred Afentul
ENVIRONMENTAL SERVICES, INC.

Afentul Residence

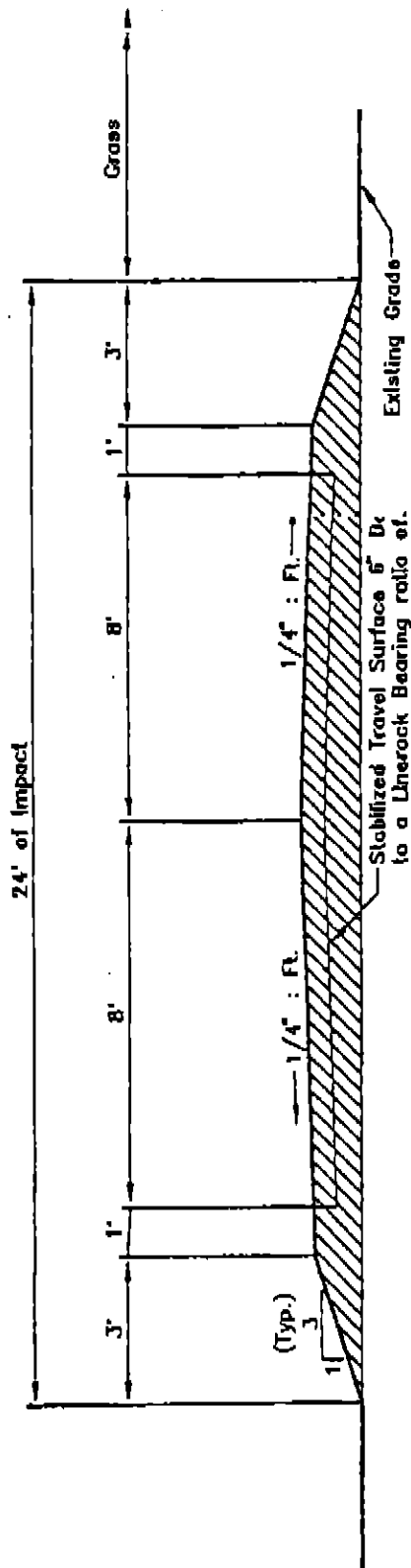
Proj No. 91-083

Date revised 8/12/91

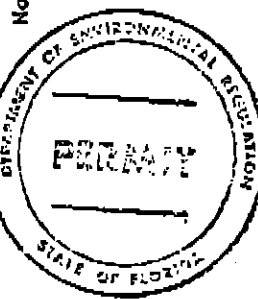
Scale 1"=40'

Drawing No. 3 of 6

Cross-Section A/A



 Proposed Fill 0.28 Acres (1167 c.y.)



Note: Road Specifications provided by SL Johns County.

Stabilized Recorded Easement Permissible Access for not more than four Dwelling Units.

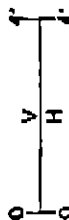



Figure 4



Fred G. Smith
 ENVIRONMENTAL SERVICES, INC.

Project No.	91-083
Date	revised 8/12/91
Scale	as shown
Drawing No.	4 of 6

Afentul
 Residence

Cross-Section B/B

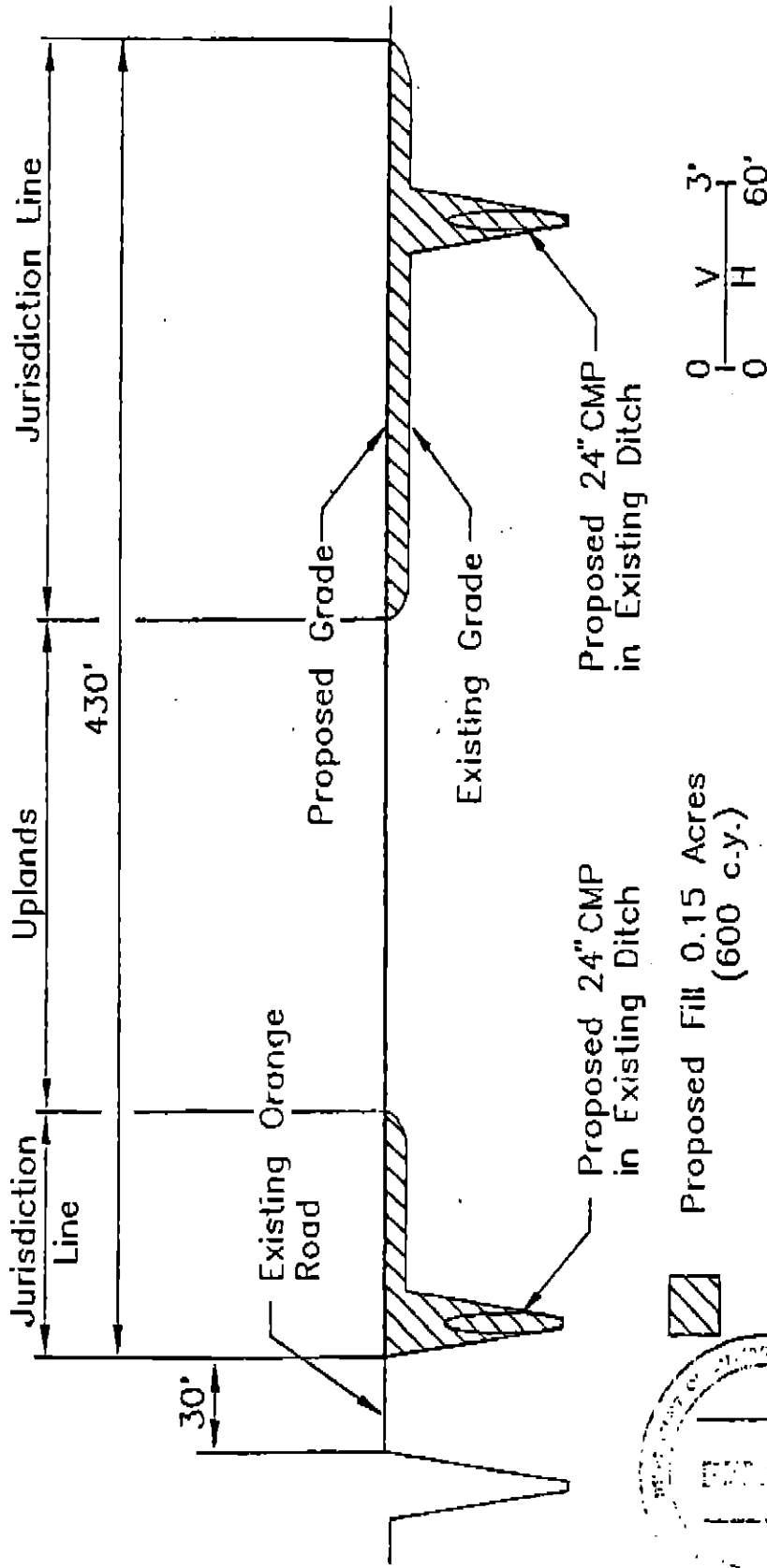


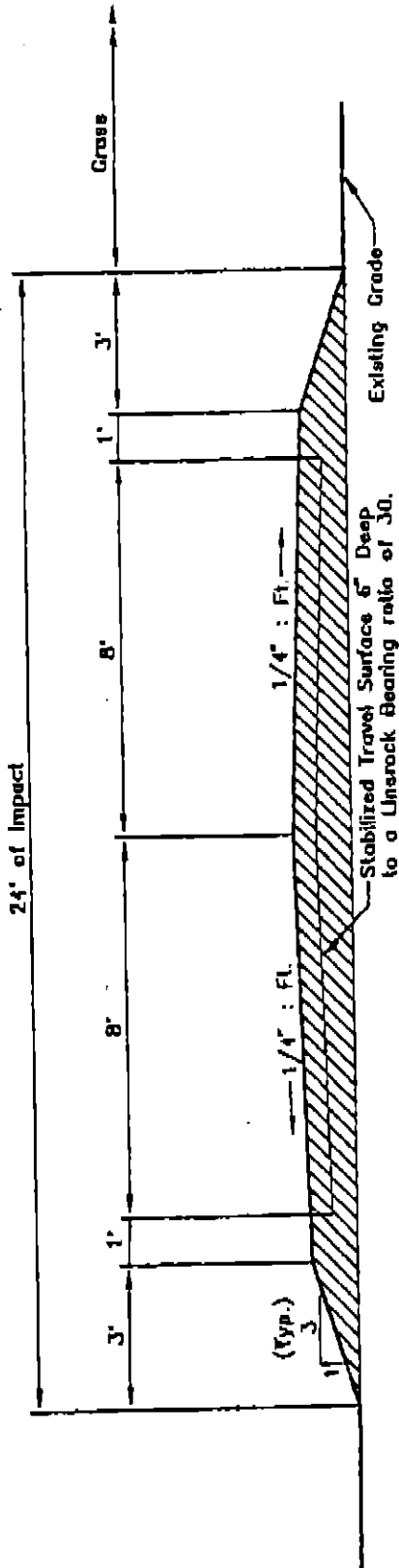
Figure 5

Fred C. Gifford
ENVIRONMENTAL SERVICES, INC.

Afentul Residence

Project No.	91-083
Date revised	8/12/91
Scale	as shown
Drawing No.	5 of 6

Cross-Section A/A



Stabilized Recorded Easement Permissible Access for not more than four Dwelling Units.

Proposed Fill 0.28 Acres (1167 c.y.)

Note: Road Specifications provided by St. Johns County.

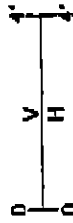
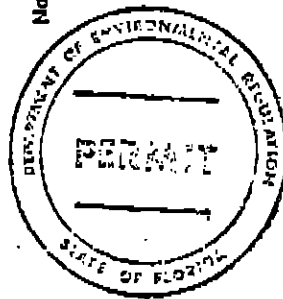


Figure 4

Project No.	91-083
Date revised	8/12/91
Scale	as shown
Drawing No.	4 of 6

Afentul Residence

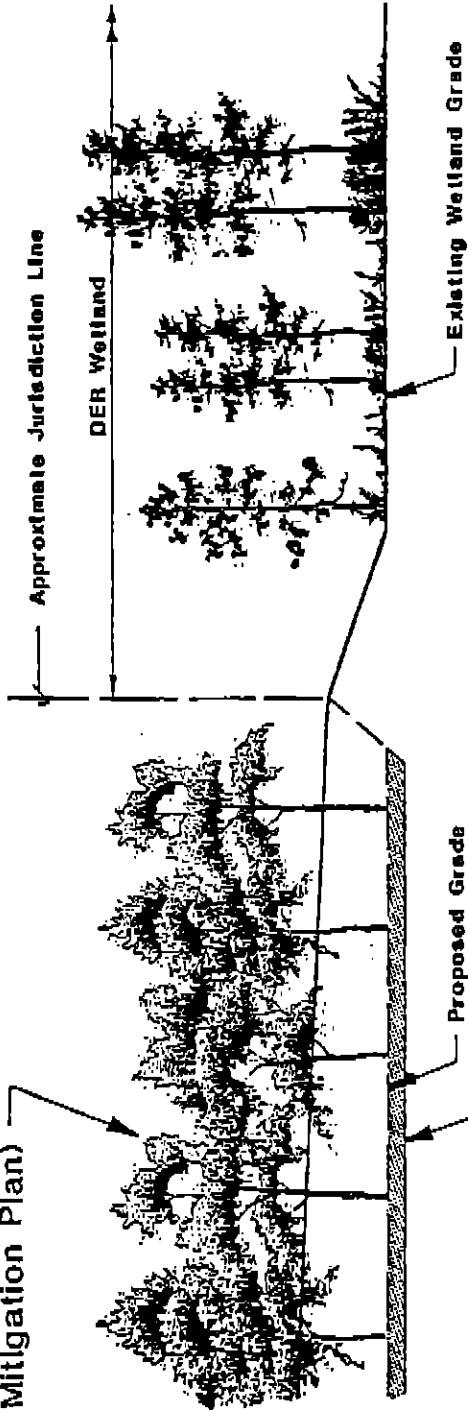
Paul J. Gaudin



ENVIRONMENTAL SERVICES, INC.

Note: Proposed Grade to match floor elevation of existing wetland based upon site specific topographic information for recruitment of wetland species.

Proposed forested plantings (See written Mitigation Plan)



3" to 6" over excavation and mulch with topsoil from impacted wetland area.



Typical Section

Figure 6
Mitigation Plan

Afentul Residence

Logo for Environmental Services, Inc. featuring a stylized animal, possibly a deer or similar, in a natural setting.

Fred Appert
ENVIRONMENTAL SERVICES, INC.

Project No.	91-083
Date revised	9/17/91
Scale	N.T.S.
Drawing No.	6 of 6

ENVIRONMENTAL SERVICES, INC.
8711 PERIMETER PARK BOULEVARD, SUITE 11
JACKSONVILLE, FLORIDA 32216

(904) 645-9900

Mitigation Plan
for
Afontul Residence
DER File No. 551971872

Revised 17 September 1991

The proposed project is for the construction of a single family residence and an associated driveway. Details of the proposed impacts and mitigation measures are described below.

A. Proposed Impacts.

Impacts for the site have been limited to 0.15 acre of wetlands associated with Paines Branch for the construction of an essential roadway to gain access to the proposed homesite.

B. Mitigation

In designing a mitigation plan, several factors were considered such as existing topography, vegetation and hydrology of the wetlands. As discussed with Florida Department of Environmental Regulation (DER) staff, mitigation ratios will be 3:1. Therefore, 0.45 acre of new wetlands will be created.

1. Location. Since the project is bisected by Paines Branch, the mitigation area is proposed to be located on the side away from the proposed residence. This will avoid potential homeowner impacts now and into the future should the property change ownership. The proposed location is also along a portion of Paines Branch that is relatively flat with a gradual, instead of steep, transition to uplands. The flatter grade is more conducive to wetland mitigation and should be regularly inundated by the floodplain of Paines Branch.



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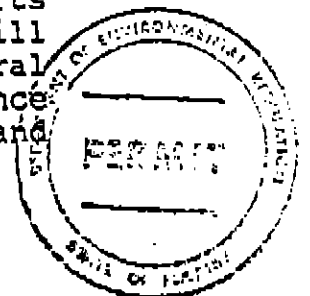
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2. General Details. Construction of the creation area will commence upon initiation of driveway building on site and permit approval. Details of the creation area are shown in Figure 6.
3. Elevations and Mulching. Prior to construction and grading of the mitigation site, a site specific topographical survey will be done of the wetlands to insure that elevations within the creation area will match Paines Branch. The elevation will be slightly over excavated by 3" to 6" and then refilled with mulch to the correct grade. The mulch will be collected from the top soil of the impacted wetland area. This will provide a nutrient base in the creation area as well as a source for seeds, corms, tubers and other wetland propogules.
4. Planting Details. The creation area will be planted with tree species found in the adjacent reference wetland, Paines Branch to duplicate diversity. Trees will be 12" to 24" tall and will be planted at a rate of 400 trees/acre. At least three species of trees from the following list will be chosen to blend in with and be contiguous with Paines Branch. The actual species chosen will depend upon availability from nurseries:

Tupelo (Nyssa sylvatica var. biflora)
Bald cypress (Taxodium distichum)
Red maple (Acer rubrum)
Sweet bay (Magnolia virginiana)
Pop ash (Fraxinus caroliniana)
Water oak (Quercus nigra)

C. Monitoring and Contingency Plans.

The creation area will be monitored twice per year (in the spring and fall) for three years. Monitoring reports will include fixed photographic reference points and will record percent survival, density, diversity, and natural recruitment. Also included will be any maintenance schedules, problems encountered, solutions undertaken and any anticipated work for the next six months.



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The applicant will guarantee at least 80 percent survival rate of all planted species. If at least 80 percent of the planted species are not growing at the end of the first and second year, the applicant shall replant a sufficient number of trees to guarantee a survival rate of 80 percent per acre of the planted species. Necessary replanting will take place within three months of each biannual inspection. As a contingency plan, if at the end of the three years at least 80 percent of the planted species are not actively growing, the applicant will revise the mitigation plan and apply to the Department of Environmental Regulation for a modification to the permits within one month of the final inspection.

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