



# Southwest Florida Water Management District

2379 Broad Street, Brooksville, Florida 34604-6899  
(352) 796-7211 or 1-800-423-1476 (FL only)  
SUNCOM 628-4150 TDD only 1-800-231-6103 (FL only)  
On the Internet at: [WaterMatters.org](http://WaterMatters.org)

An Equal  
Opportunity  
Employer

**Bartow Service Office**  
170 Century Boulevard  
Bartow, Florida 33830-7700  
(863) 534-1448 or  
1-800-492-7862 (FL only)

**Sarasota Service Office**  
6750 Fruitville Road  
Sarasota, Florida 34240-9711  
(941) 377-3722 or  
1-800-320-3503 (FL only)

**Tampa Service Office**  
7601 Highway 301 North  
Tampa, Florida 33637-6759  
(813) 985-7481 or  
1-800-836-0797 (FL only)

September 8, 2015

Tampa Bay Mitigation, LC  
Attn: James A. Scarola, P.E.  
6505 Surfside Blvd.  
Apollo Beach, FL 33572

Subject: **Notice of Intended Agency Action - Approval  
ERP Minor Modification**

Project Name: Tampa Bay Mitigation Bank  
App ID/Permit No: 717522 / 43020546.061  
County: HILLSBOROUGH  
Letter Received: September 01, 2015  
Expiration Date: September 8, 2020  
Sec/Twp/Rge: S23/T32S/R18E, S22/T32S/R18E

Dear Permittee(s):

The Southwest Florida Water Management District (District) has completed its review of the application for Environmental Resource Permit modification. Based upon a review of the information you have submitted, the District hereby gives notice of its intended approval of the application.

The File of Record associated with this application can be viewed at <http://www18.swfwmd.state.fl.us/erp/erp/search/ERPSearch.aspx> and is also available for inspection Monday through Friday, except for District holidays, from 8:00 a.m. through 5:00 p.m. at the District's Tampa Service Office, 7601 U.S. Highway 301 North, Tampa, Florida 33637.

If you have any questions or concerns regarding the application or any other information, please contact the Environmental Resource Permit Bureau in the Tampa Service Office.

Sincerely,

Michelle K. Hopkins, P.E.  
Bureau Chief  
Environmental Resource Permit Bureau  
Regulation Division

cc: Tampa Bay Mitigation, LC, Attn: Brigitte Chamberlin



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Dear Permittee(s):

Your request to modify Environmental Resource Permit (ERP) No. 43020546.042 by Minor Modification has been approved. This minor modification authorizes:

1. The withdrawal of 0.90 Tidal Forested credit from the Tampa Bay Mitigation Bank to offset wetland impacts associated with ERP Permit No: 690912/43041746.000, Single Family Homes at Harbor Sound, and updates the credit balances contained in the ledger labeled "Tampa Bay Mitigation Bank Mod 061 Approved Bank Ledger".
2. The Tampa Bay Mitigation Bank Ledger of Mitigation Credits dated September 1, 2015, in the District's Water Management Information System (WMIS) is approved with this Minor Modification.
3. All other terms and conditions of ERP No. 43020546.042, dated October 15, 2014, entitled Tampa Bay Mitigation Bank, apply.

The Southwest Florida Water Management District (District) is in receipt of your application for the Environmental Resource Permit modification. Based upon a review of the information you submitted, the application is approved. Please refer to the attached Notice of Rights to determine any legal rights you may have concerning the District's agency action on the permit application described in this letter.

If approved construction plans are part of the permit, construction must be in accordance with these plans. These drawings are available for viewing or downloading through the District's Application and Permit Search Tools located at [www.WaterMatters.org/permits](http://www.WaterMatters.org/permits).

The District's action in this matter only becomes closed to future legal challenges from members of the public if such persons have been properly notified of the District's action and no person objects to the District's action within the prescribed period of time following the notification. The District does not publish notices of agency action. If you wish to limit the time within which a person who does not receive actual written notice from the District may request an administrative hearing regarding this action, you are strongly 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. Publishing notice of agency action will close the window for filing a petition for hearing. Legal requirements and instructions for publishing notices of agency action, as well as a noticing form that can be used, are available from the District's website at [www.WaterMatters.org/permits/noticing](http://www.WaterMatters.org/permits/noticing). If you publish notice of agency action, a copy of the affidavit of publication provided by the newspaper should be sent to the District's Tampa Service Office for retention in this permit's File of Record.

If you have any questions or concerns regarding your permit or any other information, please contact the Environmental Resource Permit Bureau in the Tampa Service Office.

Sincerely,

Michelle K. Hopkins, P.E.  
Bureau Chief  
Environmental Resource Permit Bureau  
Regulation Division

Enclosures: Notice of Rights and Bank Ledger  
cc: Tampa Bay Mitigation, LC, Attn: Brigitte Chamberlin

## Notice of Rights

### ADMINISTRATIVE HEARING

1. You or any person whose substantial interests are or may be affected by the District's intended or proposed action may request an administrative hearing on that action by filing a written petition in accordance with Sections 120.569 and 120.57, Florida Statutes (F.S.), Uniform Rules of Procedure Chapter 28-106, Florida Administrative Code (F.A.C.) and District Rule 40D-1.1010, F.A.C. Unless otherwise provided by law, a petition for administrative hearing must be filed with (received by) the District within 21 days of receipt of written notice of agency action. "Written notice" means either actual written notice, or newspaper publication of notice, that the District has taken or intends to take agency action. "Receipt of written notice" is deemed to be the fifth day after the date on which actual notice is deposited in the United States mail, if notice is mailed to you, or the date that actual notice is issued, if sent to you by electronic mail or delivered to you, or the date that notice is published in a newspaper, for those persons to whom the District does not provide actual notice.
2. Pursuant to Subsection 373.427(2)(c), F.S., for notices of intended or proposed agency action on a consolidated application for an environmental resource permit and use of state-owned submerged lands concurrently reviewed by the District, a petition for administrative hearing must be filed with (received by) the District within 14 days of receipt of written notice.
3. Pursuant to Rule 62-532.430, F.A.C., for notices of intent to deny a well construction permit, a petition for administrative hearing must be filed with (received by) the District within 30 days of receipt of written notice of intent to deny.
4. Any person who receives written notice of an agency decision and who fails to file a written request for a hearing within 21 days of receipt or other period as required by law waives the right to request a hearing on such matters.
5. Mediation pursuant to Section 120.573, F.S., to settle an administrative dispute regarding District intended or proposed action is not available prior to the filing of a petition for hearing.
6. A request or petition for administrative hearing must comply with the requirements set forth in Chapter 28-106, F.A.C. A request or petition for a hearing must: (1) explain how the substantial interests of each person requesting the hearing will be affected by the District's intended action or proposed action, (2) state all material facts disputed by the person requesting the hearing or state that there are no material facts in dispute, and (3) otherwise comply with Rules 28-106.201 and 28-106.301, F.A.C. Chapter 28-106, F.A.C. can be viewed at [www.flrules.org](http://www.flrules.org) or at the District's website at [www.WaterMatters.org/permits/rules](http://www.WaterMatters.org/permits/rules).
7. A petition for administrative hearing is deemed filed upon receipt of the complete petition by the District Agency Clerk at the District's Tampa Service Office during normal business hours, which are 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding District holidays. Filings with the District Agency Clerk may be made by mail, hand-delivery or facsimile transfer (fax). The District does not accept petitions for administrative hearing by electronic mail. Mailed filings must be addressed to, and hand-delivered filings must be delivered to, the Agency Clerk, Southwest Florida Water Management District, 7601 Highway 301 North, Tampa, FL 33637-6759. Faxed filings must be transmitted to the District Agency Clerk at (813) 367-9776. Any petition not received during normal business hours shall be filed as of 8:00 a.m. on the next business day. The District's acceptance of faxed petitions for filing is subject to certain conditions set forth in the District's Statement of Agency Organization and Operation, available for viewing at [www.WaterMatters.org/about](http://www.WaterMatters.org/about).

## **JUDICIAL REVIEW**

1. Pursuant to Sections 120.60(3) and 120.68, F.S., a party who is adversely affected by District action may seek judicial review of the District's action. Judicial review shall be sought in the Fifth District Court of Appeal or in the appellate district where a party resides or as otherwise provided by law.
2. All proceedings shall be instituted by filing an original notice of appeal with the District Agency Clerk within 30 days after the rendition of the order being appealed, and a copy of the notice of appeal, accompanied by any filing fees prescribed by law, with the clerk of the court, in accordance with Rules 9.110 and 9.190 of the Florida Rules of Appellate Procedure (Fla. R. App. P.). Pursuant to Fla. R. App. P. 9.020(h), an order is rendered when a signed written order is filed with the clerk of the lower tribunal.



**Tampa Bay Mitigation Bank**  
**ERP 43020546.042**  
**Mitigation Credit Ledger**

Date	Permit Modification Number	Source of Credits (If Crediting)	Entity Using Credits (If Debiting)	Project Name	Permit Number of Credit User (If Debiting)	Permitted Credits	Credits Currently Available	Credits Added (If Crediting)	Credits Used (If Debiting)	Credit Balance
	44020546.010	<b>Tidal Forest Creation</b>				2.35	2.35			2.35
3/8/11	43020546.012		City of St. Petersburg	Maximo Park	ERP 639897.0000				0.10	2.25
4/12/11	43020546.013		Manatee County	Emerson Point Trail	ERP 44011222.003				0.56	1.69
7/25/12	43020546.023		FDOT	SR688- W of 38thst to W of I275	ERP 43015745.002				0.07	1.62
12/13/12	43020546.024	Convert Marsh to Forested						3.33		4.95
11/27/13	43020546.031		Land Trust 97-12	Land Trust 97-12 Mangroves	FDEP ERP 41-0288950-002				0.30	4.65
6/16/14	43020546.037		FDOT	US 41 from 27th Avenue to East 10th Avenue	ERP 43041528.000				0.02	4.63
9/26/14	43020546.043		Manatee County Public Works	Bridge over the Manatee River at Fort Hamer Road	ERP 43041367.001				1.30	3.33
1/22/15	43020546.048		Tampa Port Services, LLC	4873 Port Sutton Road, Tampa, Florida 33619	FDEP ERP 29-0156173-003				0.10	3.23
1/23/15	43020546.049		Pinellas County	PIE Tier 2 Stormwater Improvements	ERP 43001557.052				0.07	3.16
3/2/15	43020546.050		Tampa Yacht and Country Club	Marina Reconfiguration	FDEP ERP 29-0224450-007				0.10	3.06
3/30/15	43020546.053		FDOT	SR 789 - 27th Street to SR 64	ERP 43041896.000				0.10	2.96
3/31/15	43020546.054		FDOT	SR 595 S of Curlew Rd to N of Whisper Lake Rd	ERP 43041524.002				0.01	2.95
6/16/15	43020546.057	Convert Marsh to Forested						1.94		4.89
6/22/15	43020546.059		Esplanade on the Bay HOA	Esplanade on the Bay HOA - Mangrove Trimming					0.16	4.73
8/31/15	43020546.061		Land Trust #97-12	Single Family Homes at Harbor Sound	ERP 43041746.000				0.90	3.83
	44020546.010	<b>Tidal Marsh Creation</b>				25.11	25.11			25.11
3/8/11	43020546.012		RKH Properties, LLC	Cypress Street Office Park	ERP 638952.002				0.39	24.72
4/12/11	43020546.013		Manatee County	Emerson Point Trail	ERP 44011222.003				0.11	24.61
5/26/11	43020546.014		Tampa Port Authority	Berth 222	ERP 0297392-001-BI				0.26	24.35
12/13/12	43020546.024	Convert Marsh to Forested						-3.89		20.46
9/26/14	43020546.043		Manatee County Public Works	Bridge over the Manatee River at Fort Hamer Road	ERP 43041367.001				0.30	20.16
6/11/15	43020546.058		City of Clearwater	Bayshore Boulevard Pedestrian Trail	ERP 43041881.000				0.12	20.04
6/16/15	43020546.057	Convert Marsh to Forested						-2.07		17.97
8/25/15	43020546.060		FDOT	CR 361 Shared Path and Keaton Beach Coastal Park	ERP-123-222246-1				0.52	17.45
	44020546.010	<b>Oligohaline Marshes 2&amp;3</b>				24.68	24.68			
7/11/11	43020546.015		Progress Energy	PEF Disston Substation Expansion	ERP 52-0302570-001				0.10	24.58
12/9/11	43020546.016		MRC Holdings, Inc.	MRI Superfund Site	FDEP ERP 29-0299077-001				0.58	24.00
1/19/12	43020546.017		Hillsborough County	SR574(MLK) & Williams Rd	ERP 646153.0000				0.32	23.68
2/1/12	43020546.018		Ryan Companies US, Inc.	Charter School USA (Henderson/Linebaugh)	ERP 657406				0.20	23.48
2/16/12	43020546.019		Eagle FL V SPE, LLC	The Sod Farm	ERP 43026538.006				1.75	21.73
3/15/12	43020546.020		Florida Power & Light	Manatee Pipeline Cover/Protection - Buckeye	ERP 41-0308073-001				0.15	21.58
4/4/12	43020546.021		Primrose School Franchising	Primrose School of Carrollwood	ERP 44031005.002				0.03	21.55
6/20/12	43020546.022		NexLube Tampa, LLC	NexLube Used Oil Recycle Facility	ERP 29-0302129-003				0.10	21.45
7/25/12	43020546.023		FDOT	SR688- W of 38thst to W of I275	ERP 43015745.002				0.45	21.00
12/6/12	43020546.025		Air Products, Inc.	Piney Point Project Site in Manatee County, Fl	ERP 41-0313709-001				0.16	20.84
7/16/13	43020546.027		Lhoist North America of Alabama	Lhoist - Nichols Road	ERP 53-03316070-001				0.05	20.79
8/8/13	43020546.028		Len-Hawk's Point, LLC	24th Street Extension	ERP 44029921.014				0.1	20.69
8/27/13	43020546.029		Sol Walker & Company, Inc.	Geotextile and Soil Cap for Remedial Action Plan	ERP 29-0307537-003				0.18	20.51
10/3/13	43020546.030		Tampa Electric Company	Big Bend Unit 4, WQC PA 79-12R, 7-22-13	WQC PA 79-12R				0.13	20.38
9/3/14	43020546.041		Bernard Melloul	2427 Landings Circle, Bradenton, Fl 34209	FDEP ERP 41-0325065-002				0.013	20.37
9/29/14		Convert Oligo to Freshwater Marsh						-20.37		0.00
	44020546.010	<b>Oligohaline Pond</b>				0.60	0.60			0.60
	44020546.010	<b>Oligohaline Up/Wet Hammock</b>				2.67	0.00			0.00
	44020546.010	<b>Upland Hammock</b>				10.08	0.00			0.00
	44020546.011	<b>Freshwater Marsh 1 &amp; 2</b>				30.02	30.02			30.02

6/18/13	43020546.026		Barclay Group	Wellington Estates & State Street Extension	ERP 44031531.003				0.13	29.89
3/10/14	43020546.032		Peter Poiitis	Single-Family Home and Dock Construction	FDEP ERP 52-0315893-001-ES09				0.23	29.66
4/15/14	43020546.033		FDOT	US 301 (From CR 675 to Moccasin Wallow Road)	ERP 44012295.009				0.05	29.61
5/20/14	43020546.034		Beazer Homes	Lodato Subdivision Phase 1	ERP 43041394.001				0.70	28.91
6/2/14	43020546.035		CSX Transportation, Inc.	CSXT Big Bend Siding and Lead Track Project	ERP 43024991.004				0.05	28.86
6/16/14	43020546.036		FDOT	SR 688 (Ulmerton Road) from East of 49th St North to West of 38th St North	ERP 43041223.002				6.40	22.46
6/23/14	43020546.038		Eva M. Lackey Marital Trust	Tampa Commerce Center	ERP 43041472.000				0.07	22.39
7/28/14	43020546.039		FDOT	CR 296 (118th Ave./Future SR 690) from E. of SR 55 to E. of Roosevelt Blvd.	ERP 43008209.002				3.01	19.38
8/6/14	43020546.040		TECO	Polk Power Station to FishHawk 230-kV Transmission Line Project - Aspen Staging Area	FDEP ERP 29-321975-002				0.07	19.31
9/29/14	43020546.042	Convert Oligo to Freshwater Marsh						20.37		39.68
10/23/14	43020546.044		New Port Richey Hospital, Inc.	Citrus Park Medical Clinic	ERP 43041643.001				0.10	39.58
11/13/14	43020546.045		Eisenhower Property Group, LLC	Clement Pride Blvd. So., Balm Roadway Improvements & Mass Grading Carlton Parcel	ERP 43022699.028				0.30	39.28
1/19/15	43020546.046		FDOT	SR 686 from North of Ulmerton Road to East of 40th Street	ERP 43041223.004				0.28	39.00
1/21/15	43020546.047		The Ferber Company, Inc., Attn: Jason Crews	Walgreens - Roosevelt & MLK	ERP 43040986.001				0.15	38.85
3/3/15	43020546.051		Tampa Electric Company	Mines to Aspen	FDEP ERP 53-0305815-015				0.33	38.52
3/12/15	43020546.052		Meritage Homes	Gornto Lake Rd. Subdivision, Phases 1, 2 & 3	ERP 43041324.002				0.06	38.46
3/31/15	43020546.054		FDOT	SR 595 S of Curlew Rd to N of Whisper Lake Rd	ERP 43041524.002				0.03	38.43
5/11/15	43020546.055		TECO	Polk Power Station to FishHawk 230-kV Transmission Line Project - Aspen to FishHawk	FDEP ERP Tracking # 53-0305815-017				0.09	38.34
	44020546.011	Freshwater Pond					1.96	1.96		1.96
	44020546.011	Freshwater Upl/Wet Hammock					0.31	0.00		0.00
<b>Total</b>							<b>97.78</b>	<b>84.72</b>	<b>-0.69</b>	<b>21.85</b>