

RESOLUTION NO. 2006-256

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE CHAIRMAN OF THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS TO EXECUTE A STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION PERMIT NO. 55-246341-002-ES AND A STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION MODIFICATION OF PERMIT NO. 55-246341-002-ES CREATING A CONSERVATION EASEMENT OVER SIX (6) ST. JOHNS COUNTY COMMUNITY REDEVELOPMENT AGENCY LOTS WITHIN THE AFRO-AMERICAN SUBDIVISION CONTAINING WETLANDS FOR MITIGATION IMPACTS ASSOCIATED WITH THE DEVELOPMENT OF ONE (1) LOT WITHIN THE AFRO-AMERICAN SUBDIVISION FOR THE PURPOSE OF CONSTRUCTING AN AFFORDABLE HOME.

RECITALS

WHEREAS, the State of Florida Department of Environmental Protection requires mitigation for certain projects where wetlands are impacted; and

WHEREAS, the Department of Environmental Protection Permit 55-246341-002 ES outlined general and specific conditions of the Conservation Easement, the Modification of Permit No. 55-246341-002-ES issued by the Department of Environmental Protection for Block 90 Lots 13,14,15,16,17, and 18 located within the Afro-American Subdivision Dancy Tract Unit No. 2 in West Augustine, St. Johns County increased the mitigation requirement to 1.1 acres of wetlands preservation, attached hereto as Exhibit "A", incorporated herein by reference and made a part hereof; and

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Johns County, Florida, as follows:

SECTION 1. The above Recitals are incorporated by reference into the body of this Resolution and such Recitals are adopted as findings of fact.

SECTION 2. The St. Johns County Board of County Commissioners authorizes the Chairman to execute the State of Florida Department of Environmental Protection Permit No. 55-246341-002-ES and the State of Florida Department of Environmental Protection Modification of Permit No. 55-246341-002-ES creating a Conservation Easement for the 1.1 acres located within Lots 13, 14, 15, 16, 17 and 18 Block 90 of the Afro-American Subdivision Dancy Tract Unit No. 2 with the exception of the county's right of way reservation, to mitigate associated improvements for an affordable housing project located on Lot 9, Block 121 within the Afro- American Subdivision Dancy Tract Unit No. 3.

SECTION 3. The Clerk is instructed to record the original Conservation Easement in the Official Records of St. Johns County, Florida and mail the original Conservation Easement to State of Florida Department of Environmental Protection, Northeast District, 7825 Baymeadows Way, Suite B200, Jacksonville, Florida 32256, Attn. Pat Davis.

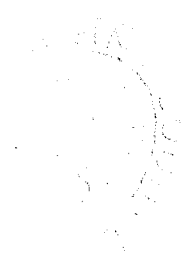
PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, Florida, this 25th day of July, 2006.

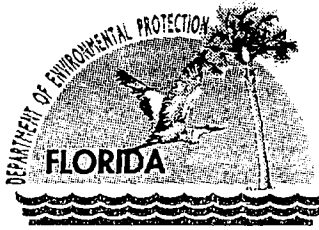
BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

BY: James E. Bryant
James E. Bryant, Chairman

ATTEST: Cheryl Strickland, Clerk
By: Rolon S. Platt
Deputy Clerk

RENDITION DATE 7/26/2006



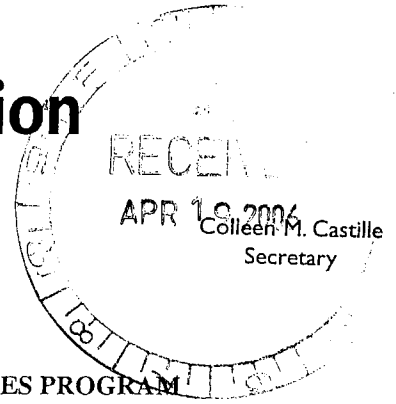


Jeb Bush
Governor

Department of Environmental Protection

Northeast District
7825 Baymeadows Way, Suite B200
Jacksonville, Florida 32256-7590

Voice 904-807-3300 FAX 904-448-4366



SUBMERGED LANDS AND ENVIRONMENTAL RESOURCES PROGRAM

March 28, 2006

In the Matter of an Application
for Permit By:
Ms. Sally Walters
5484 5th Street
St. Augustine, Florida 32080

DEP File No. 55-246341-002-ES
County: Flagler

NOTICE OF PERMIT ISSUANCE

Enclosed is Permit Number 55-246341-002-ES to fill wetlands for a single-family residence issued under Part IV, Chapter 373, Florida Statutes, and Title 62, Florida Administrative Code.

The Department's proposed agency action shall become final unless a timely petition for an administrative hearing is filed under sections 120.569 and 120.57 of the Florida Statutes before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

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

Petitions by the applicant or any of the parties listed below must be filed within fourteen days of receipt of this written notice. Petitions filed by any persons other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within fourteen days of publication of the notice or within fourteen days of receipt of the written notice, whichever occurs first.

Under section 120.60(3) of the Florida Statutes, however, any person who has asked the Department for notice of agency action may file a petition within fourteen days of receipt of such notice, regardless of the date of publication.

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

(A)
ORIGINAL

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

- (a) The name, address, and telephone number of each petitioner; the Department permit identification number and the county in which the subject matter or activity is located;
 - (b) A statement of how and when each petitioner received notice of the Department action;
 - (c) A statement of how each petitioner's substantial interests are affected by the Department action;
 - (d) A statement of the material facts disputed by the petitioner, if any;
 - (e) A statement of facts that the petitioner contends warrant reversal or modification of the Department action;
 - (f) A statement of which rules or statutes the petitioner contends require reversal or modification of the Department action;
- and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take.

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

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

In addition to requesting an administrative hearing, any petitioner may elect to pursue mediation. The election may be accomplished by filing with the Department a mediation agreement with all parties to the proceeding (i.e., the applicant, the Department, and any person who has filed a timely and sufficient petition for a hearing). The agreement must contain all the information required by rule 28-106.404. The agreement must be received by the clerk in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, within ten days after the deadline for filing a petition, as set forth above. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement.

As provided in section 120.573 of the Florida Statutes, the timely agreement of all parties to mediate will toll the time limitations imposed by sections 120.569 and 120.57 for holding an administrative hearing and issuing a final order. Unless otherwise agreed by the parties, the mediation must be concluded within sixty days of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department must enter a final order incorporating the agreement of the parties. Persons seeking to protect their substantial interests that would be affected by such a modified final decision must file their petitions within fourteen days of receipt of this notice, or they shall be deemed to have waived their right to a proceeding under sections 120.569 and 120.57. If mediation terminates without settlement of the dispute, the Department shall notify all parties in writing that the administrative hearing processes under sections 120.569 and 120.57 remain available for disposition of the dispute, and the notice will specify the deadlines that then will apply for challenging the agency action and electing remedies under those two statutes.

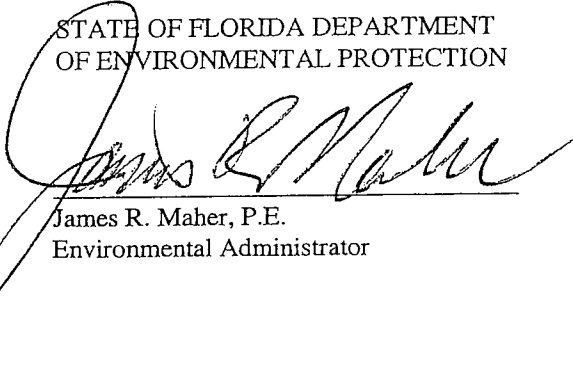
This action is final and effective on the date filed with the Clerk of the Department unless a petition (or request for mediation) is filed in accordance with the above. Upon the timely filing of a petition (or request for mediation) this order will not be effective until further order of the Department.

Ms. Sally Walters
55-246341-002-ES

Any party to the order has the right to seek judicial review of the order under section 120.68 of the Florida Statutes, by the filing of a notice of appeal under rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida, 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the final order is filed with the Clerk of the Department.

Executed in Jacksonville, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



James R. Maher, P.E.
Environmental Administrator

PED/lb

cc: ACOE

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this NOTICE OF PERMIT ISSUANCE and all copies were mailed by certified mail before the close of business on 3/20/06 to the listed persons.

"FILED, on this date, pursuant to Section 120.52,
F.S., with the designated Department Clerk,
receipt of which is hereby acknowledged."
Panda Bratton 3/20/06
Clerk Date



Department of Environmental Protection

Jeb Bush
Governor

Northeast District
7825 Baymeadows Way, Suite B200
Jacksonville, Florida 32256-7590

Colleen M. Castille
Secretary

Voice 904-807-3300 FAX 904-448-4366

ENVIRONMENTAL RESOURCE PERMIT AND SOVEREIGN SUBMERGED LANDS AUTHORIZATION

PERMITTEE/AUTHORIZED ENTITY:

Ms. Sally Walters
5484 5th Street
St. Augustine, Florida 32080

AGENT:

Ms. Denise Bevan
LG2 Environmental Solutions
88 Riberia Street, Suite 300
St. Augustine, Florida 32084

PERMIT INFORMATION:

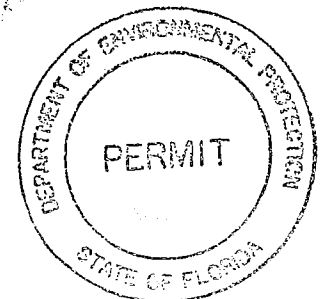
Permit Number: 55-246341-002-ES
Date of Issue: March 28, 2006
Expiration Date of Construction Phase:
March 28, 2011
County: St. Johns
Project: Fill wetlands for a single-family residence

This environmental resource permit is issued under the authority of Part IV of Chapter 373, F.S., and Title 62, Florida Administrative Code (F.A.C.) for the regulatory authority to construct, alter, abandon, remove, maintenance, and operate the system [project activity and/or structure(s)] as described in the below Description of Project Activity and/or Structure(s). The appropriate proprietary authorization for the use of state-owned submerged lands is granted in accordance with Chapter 253 and Chapter 258, F.S., and Chapter 18-21, F.A.C., and Chapter 18-20, F.A.C., if located in an aquatic preserve,. The activity is not exempt from the requirement to obtain an environmental resource permit nor is the activity exempt form the requirement to obtain proprietary authorization. Pursuant to Operating Agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C., the Department is responsible for reviewing and taking final agency action on this activity. In addition, the project has been reviewed under a Coordination Agreement Between the US Army Corps of Engineers, Jacksonville District, and the Department for a State Programmatic General Permit in accordance with Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act and may contain Federal authorization to construct and operate the facility as described.

DESCRIPTION OF PROJECT ACTIVITY AND/OR STRUCTURE(S) -

This project is to fill 3,049.2 square feet (0.07 acre) of jurisdictional wetlands for the construction of a private single-family residence with septic system and a 12" culverted driveway located at 863 Ervin Street, St. Augustine, St. John's County, Florida.

This project is located on at 863 Ervin Street, St. Augustine, Florida in Section 41, Township 07 South, Range 29 East at Latitude 29°54'7.82", Longitude 81°20'42.5".



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REGULATORY AUTHORIZATION -

This permit constitutes the authority sought under the provisions of Part IV of Chapter 373, F.S., and Title 62, Florida Administrative Code (F.A.C.) to construct and operate the system described above and show on the attached drawing(s), survey, and/or documents.

This activity requires regulatory authorization under the provisions of Part IV, Chapter 373, Florida Statutes (FS). The above named permittee has affirmatively demonstrated that the project as described above is in compliance with the criteria set forth in section 373.414, FS.

The duration of the construction phase shall be for a period of five (5) years from the date of issuance of this permit, in accordance with section 62-343.110, subsection (1), paragraph (c), F.A.C. The operation and maintenance phase shall be perpetual in accordance with section 62-343.110, subsection (1), paragraph (d), F.A.C.

WATER QUALITY CERTIFICATION

This permit constitutes certification of compliance with water quality standards under Section 404 of the Clean Water Act, 33 U.S.C. 1344.

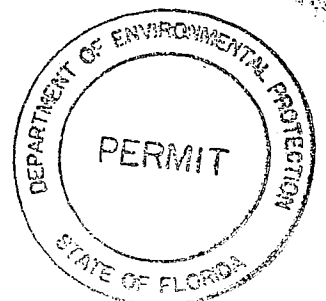
PROPRIETARY REVIEW

Your project does not occur on state-owned submerged lands and will not require authorization from the Department to use these lands for private purposes in accordance with section 253.77, Florida statutes.

SPGP - REVIEW

Your project has been reviewed for compliance with a State Programmatic General Permit (SPGP). Your proposed activity as outlined on the attached drawings is **NOT in compliance with the U.S. Army Corps of Engineers (Corps) State Programmatic General Permit (SPGP)**. A copy of your notice also has been sent to the U. S. Army Corps of Engineers (USACOE) for review. The USACOE may require a separate permit **Failure to obtain this authorization prior to construction could subject you to enforcement action by that agency**. For further information, you should contact the USACOE at 904-232-1661.

Authority for review - an agreement with the U.S. Army Corps of Engineers entitled "Coordination Agreement Between the U. S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection State Programmatic General Permit, Section 10 of the Rivers and Harbor Act of 1899 and Section 404 of the Clean Water Act".



REGULATORY GENERAL CONDITIONS

DEP File No.: 55-246341-002-ES

Ms. Sally Walters

(a) All activities shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit.

(b) This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications, shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by Department staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.

(c) Activities approved by this permit shall be conducted in a manner which do not cause violations of state water quality standards.

(d) Prior to and during construction, the permittee shall implement and maintain all erosion and sediment control measures (best management practices) required to retain sediment on-site and to prevent violations of state water quality standards. All practices must be in accordance with the guidelines and specifications in chapter 6 of the Florida Land Development Manual: A Guide to Sound Land and Water Management (Florida Department of Environmental Regulation 1988), which are incorporated by reference, unless a project specific erosion and sediment control plan is approved as part of the permit, in which case the practices must be in accordance with the plan. If site specific conditions require additional measures during any phase of construction or operation to prevent erosion or control sediment, beyond those specified in the erosion and sediment control plan, the permittee shall implement additional best management practices as necessary, in accordance with the specifications in chapter 6 of the Florida Land Development Manual: A Guide to Sound Land and Water Management (Florida Department of Environmental Regulation 1988). The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.

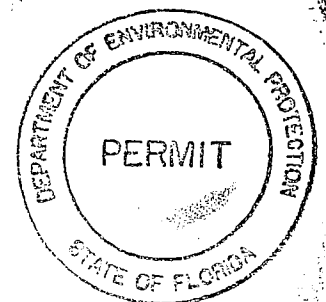
(e) Stabilization measures shall be initiated for erosion and sediment control on disturbed areas as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 7 days after the construction activity in that portion of the site has temporarily or permanently ceased.

(f) At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the Department a Construction Commencement Notice Form No. 62-343.900(3) indicating the actual start date and the expected completion date.

(g) When the duration of construction will exceed one year, the permittee shall submit construction status reports to the Department on an annual basis utilizing an Annual Status Report Form No. 62-343.900(4). These forms shall be submitted during June of each year.

(h) For those systems which will be operated or maintained by an entity which will require an easement or deed restriction in order to provide that entity with the authority necessary to operate or maintain the system, such easement or deed restriction, together with any other final operation or maintenance documents as are required by subsections 7.1.1 through 7.1.4 of the Applicant's Handbook: Management and Storage of Surface Waters, must be submitted to the Department for approval. Documents meeting the requirements set forth in these subsections of the Applicant's Handbook will be approved. Deed restrictions, easements and other operation and maintenance documents which require recordation either with the Secretary of State or the Clerk of the Circuit Court must be so recorded prior to lot or unit sales within the project served by the system, or upon completion of construction of the system, whichever occurs first. For those systems which are proposed to be maintained by county or municipal entities, final operation and maintenance documents must be received by the Department when maintenance and operation of the system is accepted by the local governmental entity. Failure to submit the appropriate final documents referenced in this paragraph will result in the permittee remaining liable for carrying out maintenance and operation of the permitted system.

(i) Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the initiation of the permitted use of site infrastructure located within the area served by that portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of that phase or portion of the system to a local government or other responsible entity.



REGULATORY GENERAL CONDITIONS

DEP File No.: 55-246341-002-ES

Ms. Sally Walters

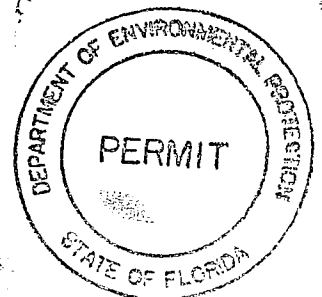
(j) Within 30 days after completion of construction of the permitted system, or independent portion of the system, the permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, utilizing As Built Certification Form 62-343.900(5) supplied with this permit. When the completed system differs substantially from the permitted plans, any substantial deviations shall be noted and explained and two copies of as-built drawings submitted to the Department. Submittal of the completed form shall serve to notify the Department that the system is ready for inspection. The statement of completion and certification shall be based on on-site observation of construction (conducted by the registered professional engineer, or other appropriate individual as authorized by law, or under his or her direct supervision) or review of as-built drawings for the purpose of determining if the work was completed in compliance with approved plans and specifications. As-built drawings shall be the permitted drawings revised to reflect any changes made during construction. Both the original and any revised specifications must be clearly shown. The plans must be clearly labeled as "as-built" or "record" drawing. All surveyed dimensions and elevations shall be certified by a registered surveyor. The following information, at a minimum, shall be verified on the as-built drawings:

1. Dimensions and elevations of all discharge structures including all weirs, slots, gates, pumps, pipes, and oil and grease skimmers;
2. Locations, dimensions, and elevations of all filter, exfiltration, or underdrain systems including cleanouts, pipes, connections to control structures, and points of discharge to the receiving waters;
3. Dimensions, elevations, contours, or cross-sections of all treatment storage areas sufficient to determine stage-storage relationships of the storage area and the permanent pool depth and volume below the control elevation for normally wet systems, when appropriate;
4. Dimensions, elevations, contours, final grades, or cross-sections of the system to determine flow directions and conveyance of runoff to the treatment system;
5. Dimensions, elevations, contours, final grades, or cross-sections of all conveyance systems utilized to convey off-site runoff around the system;
6. Existing water elevation(s) and the date determined; and
7. Elevation and location of benchmark(s) for the survey.

(k) The operation phase of this permit shall not become effective until the permittee has complied with the requirements of the condition in paragraph (i) above, the Department determines the system to be in compliance with the permitted plans, and the entity approved by the Department in accordance with subsections 7.1.1 through 7.1.4 of the Applicant's Handbook: Management and Storage of Surface Waters, accepts responsibility for operation and maintenance of the system. The permit may not be transferred to such an approved operation and maintenance entity until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the Department, the permittee shall request transfer of the permit to the responsible approved operation and maintenance entity, if different from the permittee. Until the permit is transferred pursuant to section 7.1 of the Applicant's Handbook: Management and Storage of Surface Waters, the permittee shall be liable for compliance with the terms of the permit.

(l) Should any other regulatory agency require changes to the permitted system, the permittee shall provide written notification to the Department of the changes prior to implementation so that a determination can be made whether a permit modification is required.

(m) This permit does not eliminate the necessity to obtain any required federal, state, local and special Department authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and chapter 40C-4 or chapter 40C-40, F.A.C.



REGULATORY GENERAL CONDITIONS

DEP File No.: 55-246341-002-ES

Ms. Sally Walters

(n) The permittee is hereby advised that section 253.77, F.S., states that a person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement, or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.

(o) The permittee shall hold and save the Department harmless from any and all damages, claims, or liabilities which may arise by reason of the activities authorized by the permit or any use of the permitted system.

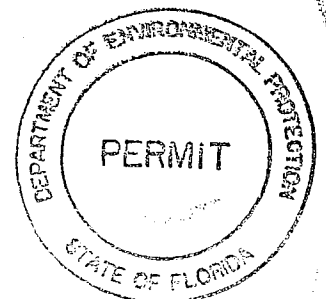
(p) Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered specifically approved unless a specific condition of this permit or a formal determination under section 373.421(2), F.S., provides otherwise.

(q) The permittee shall notify the Department in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of the permitted system or the real property at which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of section 62-343.130, F.A.C. The permittee transferring the permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to such sale, conveyance or other transfer.

(r) Upon reasonable notice to the permittee, Department authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with the plans and specifications approved by the permit.

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

(t) The permittee shall immediately notify the Department in writing of any previously submitted information that is later discovered to be inaccurate.



REGULATORY SPECIFIC CONDITIONS

DEP File No.: 55-246341-002-ES

Ms. Sally Walters

1. If prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, the permittee shall cease all activities involving subsurface disturbance in the immediate vicinity of such discoveries. The permittee shall contact the Florida Department of State, Division of Historical Resources, Review and Compliance Section at (850) 245-6333 or (800) 847-7278, as well as the Department of Environmental Protection at (904) 807-3300. Project activities should not resume without verbal and/or written authorization from the Division of Historical Resources. In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately and the proper authorities notified in accordance with Section 872.05, Florida Statutes. The following excerpt from **872.05 Unmarked Human Burials is provided for informational purposes:**

872.05(4) DISCOVERY OF AN UNMARKED HUMAN BURIAL OTHER THAN DURING AN ARCHAEOLOGICAL EXCAVATION.--When an unmarked human burial is discovered other than during an archaeological excavation authorized by the state or an educational institution, all activity that may disturb the unmarked human burial shall cease immediately, and the district medical examiner shall be notified. Such activity shall not resume unless specifically authorized by the district medical examiner or the State Archaeologist.

2. 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 on the attached DEP Form 62-343.900(3) to Environmental Resources Permitting, Permit Compliance Section, Department of Environmental Protection, Northeast District, 7825 Baymeadows Way, Suite B-200, Jacksonville, Florida 32256-7590.

3. The project shall comply with applicable State Water Quality Standards, namely:
a) Surface Waters, Minimum Criteria, General Criteria - **62-302.500**,
b) Class III Waters - Recreation, Propagation and Maintenance of a Healthy, Well-Balanced Population of Fish and Wildlife. - **62-302.400**

4. The structures authorized by this permit shall not be located on any property other than that owned by the permittee without the prior written approval of that property owner.

5. The permittee is hereby relieved from the requirement to submit as-built drawings prepared by a registered professional, as required by General Condition (j) except where the services of a registered professional are used in the construction of the system. However, the permittee is still required, within 30 days of completion of construction, to submit a written notice to the Department of the date construction was completed, together with a copy of the permit drawings, modified as appropriate, to reflect the condition of the as-built structure. Such condition also shall not relieve the permittee from the responsibility for submitting all other information required by this permit.

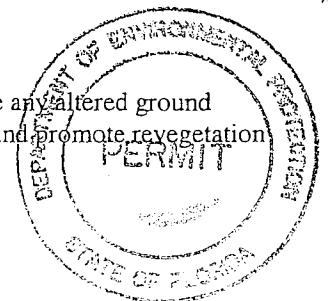
6. There shall be no storage or stockpiling of tools, equipment, or materials (i.e., lumber, pilings, debris) within wetlands or elsewhere within waters of the State unless specifically approved in the permit. All cleared vegetation (including logging slash), lumber, scrap wood, trash, garbage, construction debris, equipment, tires, trailers, and other foreign debris or material shall be removed from the wetlands and placed in approved landfill or other authorized upland location within 14 days of completion of the work authorized in this permit.

7. All graded areas, fill slopes, and disturbed upland areas shall be stabilized at all times during construction and after construction so as to preclude any erosion into wetlands or waters of the State.

8. All spoil material generated by demucking or other excavation shall be deposited in a self-contained upland disposal site which will prevent the escape of spoil material or return water from the spoil site into surface waters of the State.

9. The work shall be performed during dry periods or periods of low water.

10. Outside the specific limits of construction authorized by this permit, the permittee shall restore any altered ground contours within the wetlands to pre-construction elevations so as to maintain natural drainage patterns and promote revegetation of impacted areas.



REGULATORY SPECIFIC CONDITIONS

DEP File No.: 55-246341-002-ES

Ms. Sally Walters

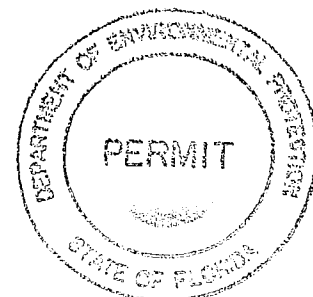
11. All wetland areas or water bodies which are outside the specific limits of construction authorized by this permit shall be protected from erosion, siltation, scouring, excess turbidity, or dewatering. Turbidity curtains, hay bales, and other such erosion/turbidity control devices shall be installed pursuant to Chapter 6 of The Florida Land Development Manual, A Guide to Sound Land and Water Management, prior to the commencement of dredging, filling, or construction activity, shall remain functional at all times, and shall be maintained on a regular basis. Turbidity and/or sedimentation resulting from any activities associated with the project shall not be allowed to enter waters of the State.
12. Fill material which has escaped the containment devices shall be immediately removed from the wetlands and deposited within the authorized construction area landward of the limit of fill as depicted on the attached permit drawings.
13. All fill slopes, road shoulders, and other disturbed upland areas adjacent to wetlands shall be vegetatively stabilized pursuant to Chapter 6 of The Florida Land Development Manual, A Guide to Sound Land and Water Management, within 7 days following their completion.
14. All culvert, equalizer pipe, or discharge structure outlet inverts shall be placed at elevations sufficient to preserve the historic exchange of water between adjacent wetland areas and/or prevent any flooding of adjacent uplands or roadways.
15. No dredging, filling, or other construction activity, including the removal of tree stumps and/or vegetative root masses, shall be conducted within the wetlands other than that performed within the specifically authorized work corridor. Outside the specific limits of construction authorized by this permit, the permittee shall not entrench any water, sewer, cable, or utility lines within wetlands, place unpermitted fill material or structures within wetlands, or place sod or landscape materials (timbers, rock, etc.) within the wetlands. Landscape planting shall be accomplished using plant species suitable for site-specific soil types and hydrologic regime.
ERP Technical Report
16. All trees, brush, and other material cleared from the construction area shall be removed from wetlands and disposed of in an approved landfill or other authorized upland location.
17. Outside the specific limits of construction authorized by this permit, no additional mechanical clearing is authorized within wetlands.
18. **Prior to the commencement of construction**, the permittee shall record a Conservation Easement over those portions of two parcels of land located in Sections 06, Township 07 South, Range 30 East, St. Johns County, Florida, Duval County Parcel Identification Number 150960-0000 and more particularly described on the enclosed "Attachment A", located outside the authorized fill area approved by DEP File No.: 55-187416-001-ES and depicted as "Conservation Easement Area" on the enclosed Attachment "B", pursuant to Section 704.06, Florida Statutes (F.S.), prohibiting all construction including clearing, dredging, filling, or other construction activity, except that which is authorized by this permit, within the conservation preservation area. The Conservation Easement shall be in accordance with the language contained in the attached Conservation Easement Deed. **Prior to recording, the permittee shall submit the executed Conservation Easement Deed, together with all attachments and the title information required below, to the Department at the address shown in Specific Condition number 2 for review and approval.** Following Department approval, the easement shall be recorded and a certified copy of the recorded easement showing the date recorded and the official records book and page number shall be submitted to the Department. The Conservation Easement submitted to the Department for review and approval prior to recording shall include the following information:

I. TITLE INFORMATION

1. Proof of ownership as a deed or updated title certificate.
2. Affidavit of lien status.
3. If liens on the property exist, subordination/release/joinder agreement.

II. BOUNDARY INFORMATION

1. Legal description of the proposed conservation easement or upland property.
2. A survey sketch of the proposed conservation easement.



CONSERVATION EASEMENT DEED

STATE OF FLORIDA

COUNTY OF FLAGLER

KNOW ALL PERSONS BY THESE PRESENTS THAT in consideration for the issuance of Florida Department of Environmental Protection permit number 55-246341-002-ES, to fill 3,049.2 square feet (0.07 acres) of jurisdictional wetlands for the construction of a private single-family residence with septic system and a 12" culverted driveway, issued pursuant to the requirements of Chapter 373 (formerly Section 403.918), Florida Statutes, and Sections 62-330 and 62-343, Florida Administrative Code on or about March 28, 2006, Sally Walters, (Grantor) has granted to the State of Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida (Grantee), a Conservation Easement in accordance with Section 704.06, Florida Statutes, in and over the real property in St. Johns County, Florida, as set forth in the legal description and drawings attached hereto as Attachments A and B.

As used herein, the term Grantor shall include any successor or assignee of the Grantor, and the term Grantee shall include any successor or assignee of the Grantee.

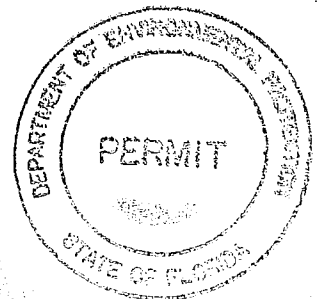
It is the purpose and intent of this Conservation Easement to assure that the subject lands (except that which has been authorized by this permit) will be retained and maintained forever predominantly in the natural vegetative and hydrologic condition existing at the time of execution of this Conservation Easement. The included wetlands, which are to be protected, shall be maintained forever in the enhanced or created conditions required by the aforementioned permit.

Except for such specific activities as authorized pursuant to Florida Department of Environmental Protection permit 55-246341-002-ES, including but not limited to creation, enhancement and maintenance of wetlands as specified mitigation in said permit, the following activities are prohibited on the property subject to this Conservation Easement:

1. Construction or placing of buildings, roads, signs, billboards, or other advertising, utilities, or other structures on or above the ground, however, the Department may approve such passive recreational structures as boardwalks, gazebos, or similar piling-supported structures subject to additional permitting;
2. Dumping or placing of soil or other substances or material as landfill, or dumping or placing of trash, waste, or unsightly or offensive materials;
3. Removal or destruction of trees, shrubs, or other vegetation; with the exception of nuisance and exotic plant species as may be required by Grantee;
4. Excavation, dredging, or removal of loam, peat, gravel, soil, rock or other material substance in such manner as to affect the surface;
5. Surface use except for purposes that permit the land or water area to remain predominantly in its natural condition;
6. Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation;
7. Acts or uses detrimental to such aforementioned retention and maintenance of land or water areas, and
8. Acts or uses detrimental to the preservation of any features or aspects of the property having historical, archaeological or cultural significance.

It is understood that the granting of this Conservation Easement entitles the Grantee or its authorized representatives to enter the above-described land in a reasonable manner and at reasonable times to assure compliance.

The Grantor on behalf of itself and its successors or assigns hereby agrees to bear all costs and liability relating to the operation and maintenance of the lands subject to this Conservation Easement in the natural vegetative and hydrologic condition existing at the time of execution of this Conservation Easement, including the maintenance of enhanced or created wetlands in the vegetative and hydrologic condition required by the aforementioned permit, and Grantor does hereby indemnify and hold harmless the Grantee from same. The Conservation Easement hereby granted and the obligation to retain and maintain the land forever predominately in the vegetative and hydrologic condition as herein specified shall run with land and shall be binding upon the Grantor and its successors and assigns, and shall inure to the benefit of the Grantee and its successors and assigns.



The terms and conditions of this Conservation Easement may be enforced by the Grantee by injunctive relief and other appropriate available remedies, and Grantor consents that venue for such enforcement actions shall lie exclusively in the circuit court of the Seventh Judicial Circuit, in St. Johns County, Florida. In any enforcement action in which the Grantee prevail, grantee shall be entitled to recover reasonable attorneys' fees and costs in the trial and appellate courts, in addition to the cost of restoring the land to the natural vegetative and hydrologic condition existing at the time of execution of this Conservation Easement or to the vegetative and hydrologic condition required by the aforementioned permit. These remedies are in addition to any other remedy, fine, or penalty which may be applicable under Chapter 403 and 373, Florida Statutes.

Any forbearance on behalf of the Grantee to exercise its rights in the event of the failure of Grantor to comply with the provisions of this Conservation Easement shall not be deemed or construed to be a waiver of the Grantee's rights hereunder in the event of any subsequent failure of the Grantor to comply.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal on this ___day of _____, 2006.

Signed, sealed, and delivered in our presence of:

WITNESS GRANTOR

WITNESS GRANTOR

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before this _____ (date) by _____ (name of person acknowledging), who is personally known to me or who has produced _____ (type of identification) as identification and who did (did not) take an oath.

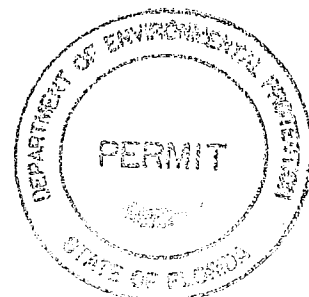
(SEAL)

SIGNATURE

PRINT NAME

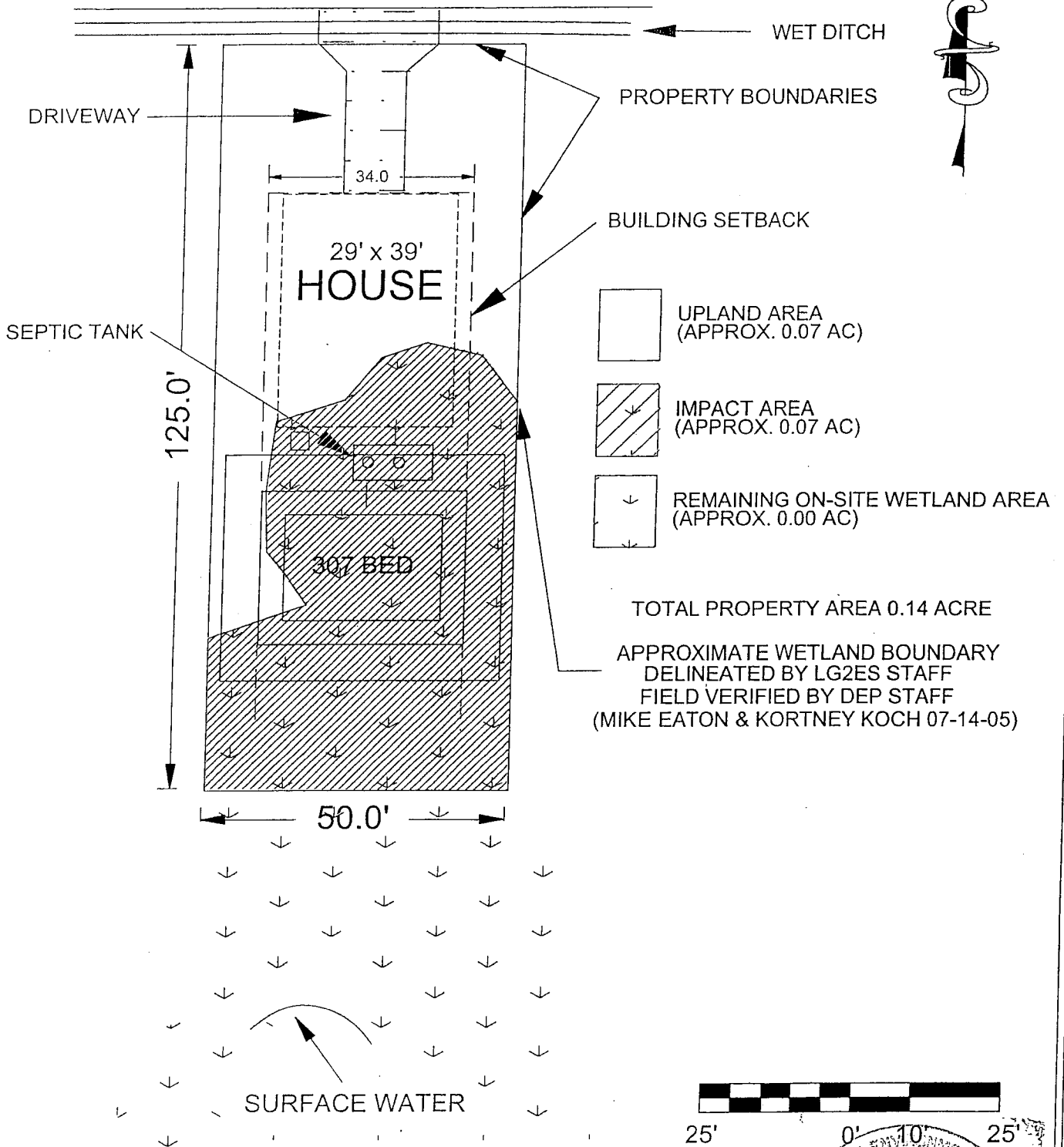
TITLE

SERIAL NUMBER



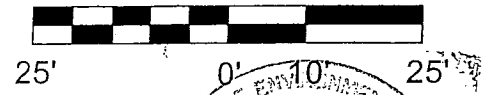
03/20/06 10:00 AM

ERVIN ST.



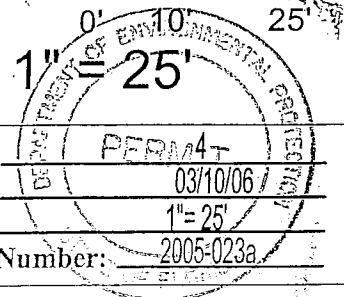
- UPLAND AREA (APPROX. 0.07 AC)
- IMPACT AREA (APPROX. 0.07 AC)
- REMAINING ON-SITE WETLAND AREA (APPROX. 0.00 AC)

TOTAL PROPERTY AREA 0.14 ACRE
APPROXIMATE WETLAND BOUNDARY
DELINEATED BY LG2ES STAFF
FIELD VERIFIED BY DEP STAFF
(MIKE EATON & KORTNEY KOCH 07-14-05)

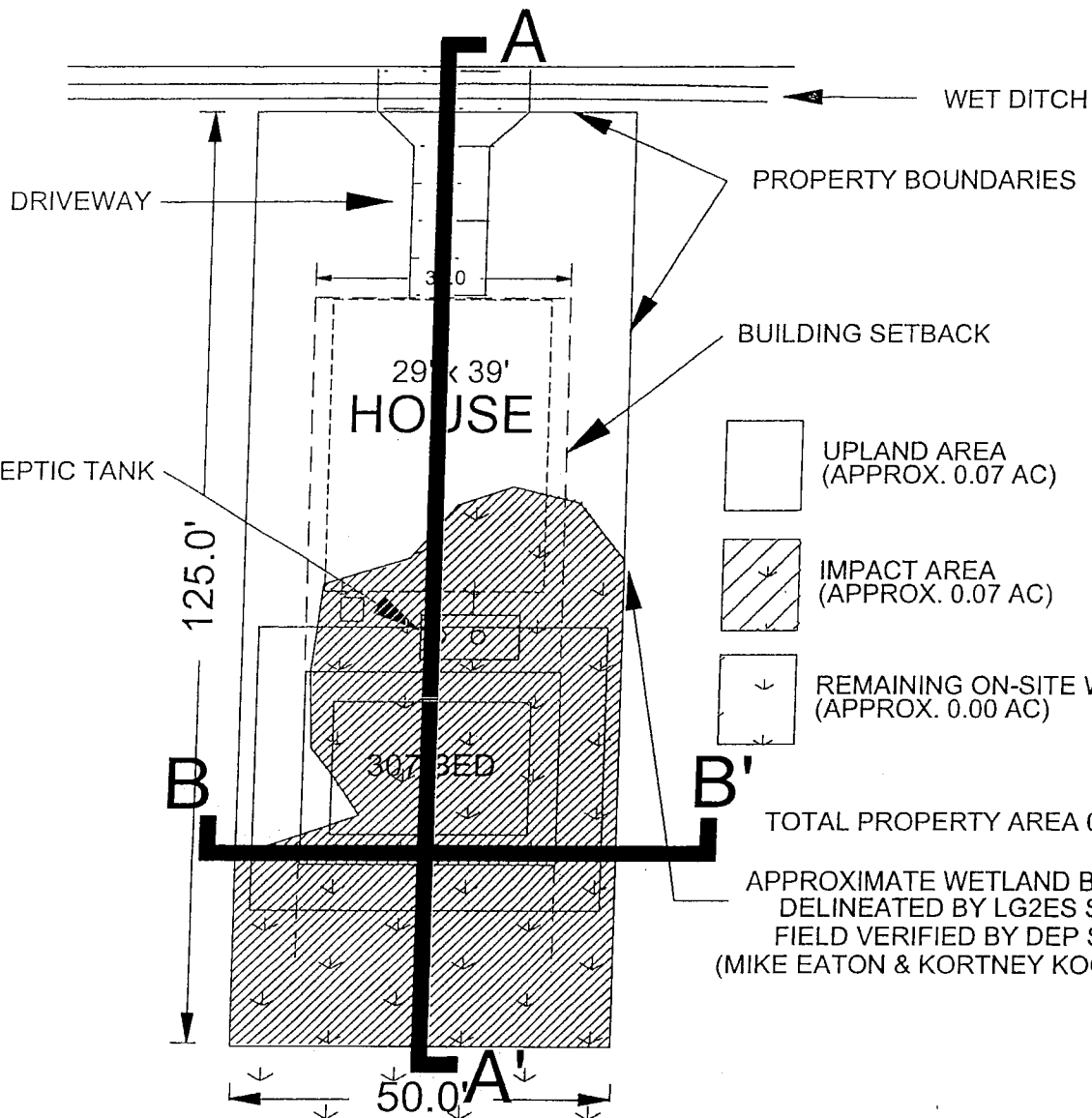





THIS IS NOT A SURVEY

DRAWING APPROVED BY:	SITE PLAN GEMINI DEVELOPMENT LOT 9, BLK 121 ERVIN STREET ST. JOHNS COUNTY, FLORIDA	Figure: PERM4T Date: 03/10/06 Scale: 1" = 25' Project Number: 2005-023a
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ERVIN ST.

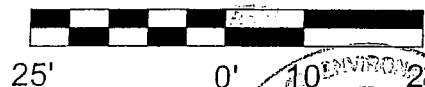


-  UPLAND AREA (APPROX. 0.07 AC)
-  IMPACT AREA (APPROX. 0.07 AC)
-  REMAINING ON-SITE WETLAND AREA (APPROX. 0.00 AC)

TOTAL PROPERTY AREA 0.14 ACRE

APPROXIMATE WETLAND BOUNDARY DELINEATED BY LG2ES STAFF FIELD VERIFIED BY DEP STAFF (MIKE EATON & KORTNEY KOCH 07-14-05)

SURFACE WATER



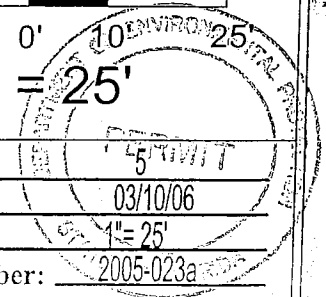
1" = 25'

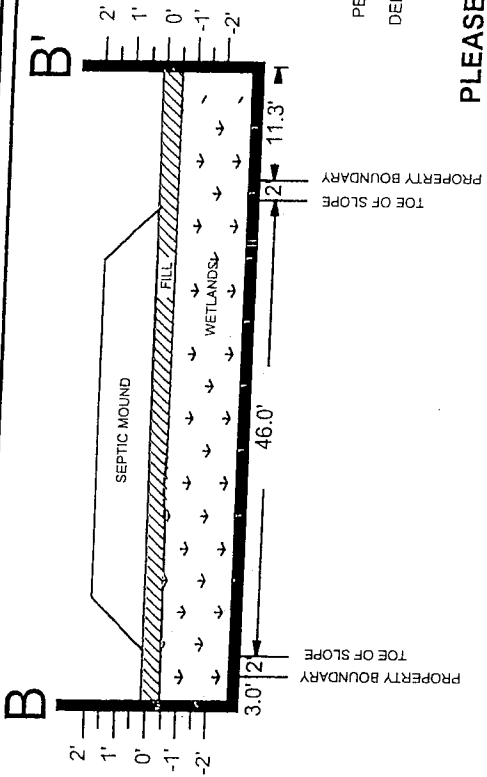
THIS IS NOT A SURVEY

DRAWING APPROVED BY:

SITE PLAN WITH CROSS-SECTIONS
 GEMINI DEVELOPMENT
 LOT 9, BLK 121 ERVIN STREET
 ST. JOHNS COUNTY, FLORIDA

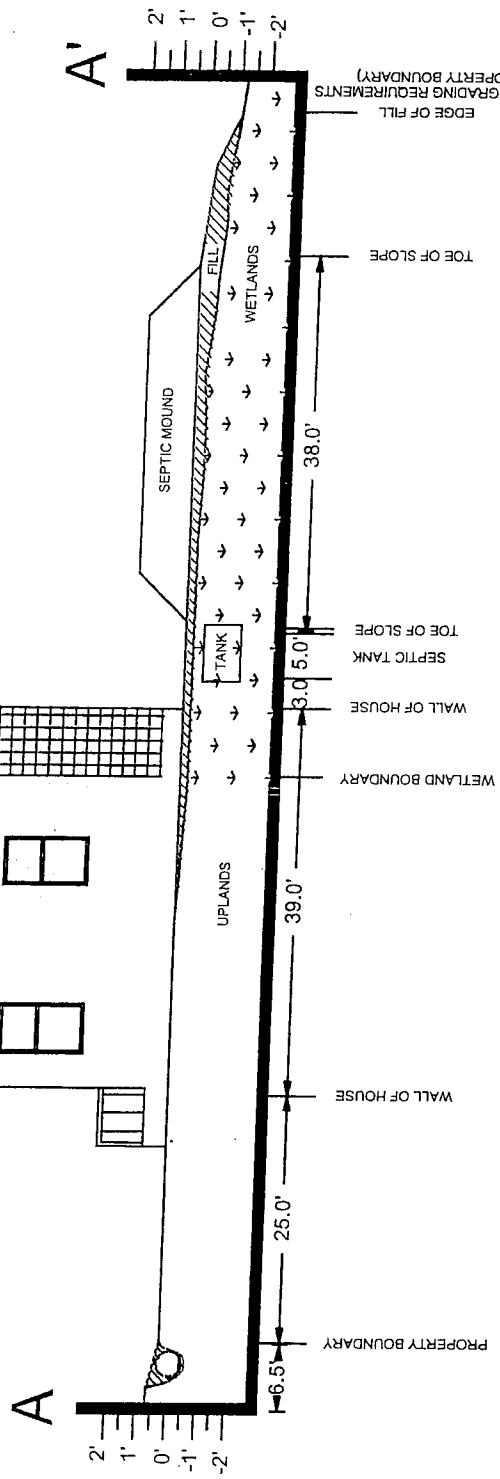
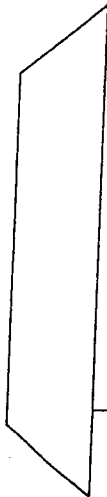
Figure: _____
 Date: 03/10/06
 Scale: 1" = 25'
 Project Number: 2005-023a





PER ENGINEERING INSTRUCTION, EXCAVATION OF THE ENTIRE LOT IS REQUIRED TO A DEPTH OF 3-FT AND BACKFILL W/ A-3 SAND. DEPICTED PROPOSED FILL IS TO SHOW THE PRE- AND POST-GRADES OF THE SUBJECT PROPERTY

PLEASE SEE ATTACHED ENGINEERING FIGURES



THIS IS NOT AN ENGINEERED DRAWING

DRAWING APPROVED BY:

VERTICAL SCALE IS EXAGGERATED

CROSS-SECTION VIEW
 GEMINI DEVELOPMENT
 LOT 9, BLK 121 ERVIN STREET
 ST. JOHNS COUNTY, FLORIDA

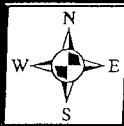
Figure: 6
 Date: 03/10/06
 Scale: N/A
 Project Number: 2005-023a



Legend

Upland Area - Approximately 0.07 Acre

Wetlands - Approximately 0.07 Acre



1 inch equals 50 feet



Wetland Delineation Map
Gemini Development, LLC
Lot 9 Ervin Street
St. Johns County, Florida
2004 Color IR Orthophoto

2005-023

October 5, 2005

This exhibit is the result of a GPS-based delineation of the wetland boundaries by LG2 Environmental Solutions, Inc. The accuracy limitation of the GPS unit is approximately three feet. This boundary has not been located by a Registered Land Surveyor or been reviewed by any regulating agency. This exhibit should not be used for detailed site planning. Wetland boundaries can more accurately be determined by location of delineation flags by a Registered Land Surveyor, and review approval by the regulating agencies.



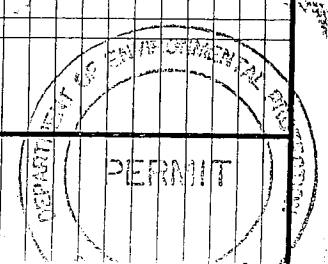
(904) 824-8633
www.lg2es.com

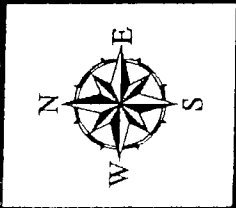
ENVIRONMENTAL SOLUTIONS, INC.

88 Riberia Street, Suite 300, St. Augustine, Florida 32084

Applicant: Gemini Development, LLC. Project: Lot 9 Ervin Street LG2PN: 2005-023a
 DEP File No.: 55-246341-002-ES

Impacts	Habitat Type	Location and Landscape Support		Water Environment		Community Structure		Acres	Functional Loss	Wetland Acres Provided	Upland Acres Provided	Preservation Adjustment Factor	Relative Functional Gain	Acres Provided	Functional Gain Units
		before	after	before	after	before	after								
1	Impact	4	0	3	0	4	0	0.07	0.0257	0.88		0.3	0.0300	0.88	0.0264
2									0.0000				0.0000		0.0000
3									0.0000				0.0000		0.0000
4									0.0000				0.0000		0.0000
5									0.0000				0.0000		0.0000
6									0.0000				0.0000		0.0000
7									0.0000				0.0000		0.0000
8									0.0000				0.0000		0.0000
9									0.0000				0.0000		0.0000
10									0.0000				0.0000		0.0000
<p style="text-align: center;">Total Functional Loss 0.026</p> <p style="text-align: center;">Total Functional Gain Units 0.026</p>															
Mitigation	Habitat Type	Location and Landscape Support		Water Environment		Community Structure		Time Lag	Risk Factor	Preservation Adjustment Factor	Relative Functional Gain	Acres Provided	Functional Gain Units		
		before	after	before	after	before	after								
1	M-1	5	7	8	8	7	8	1	1	0.3	0.0300	0.88	0.0264		
2													0.0000		
3													0.0000		
4													0.0000		
5													0.0000		
6													0.0000		
7													0.0000		
8													0.0000		
9													0.0000		
10													0.0000		
11													0.0000		
12													0.0000		
13													0.0000		





A

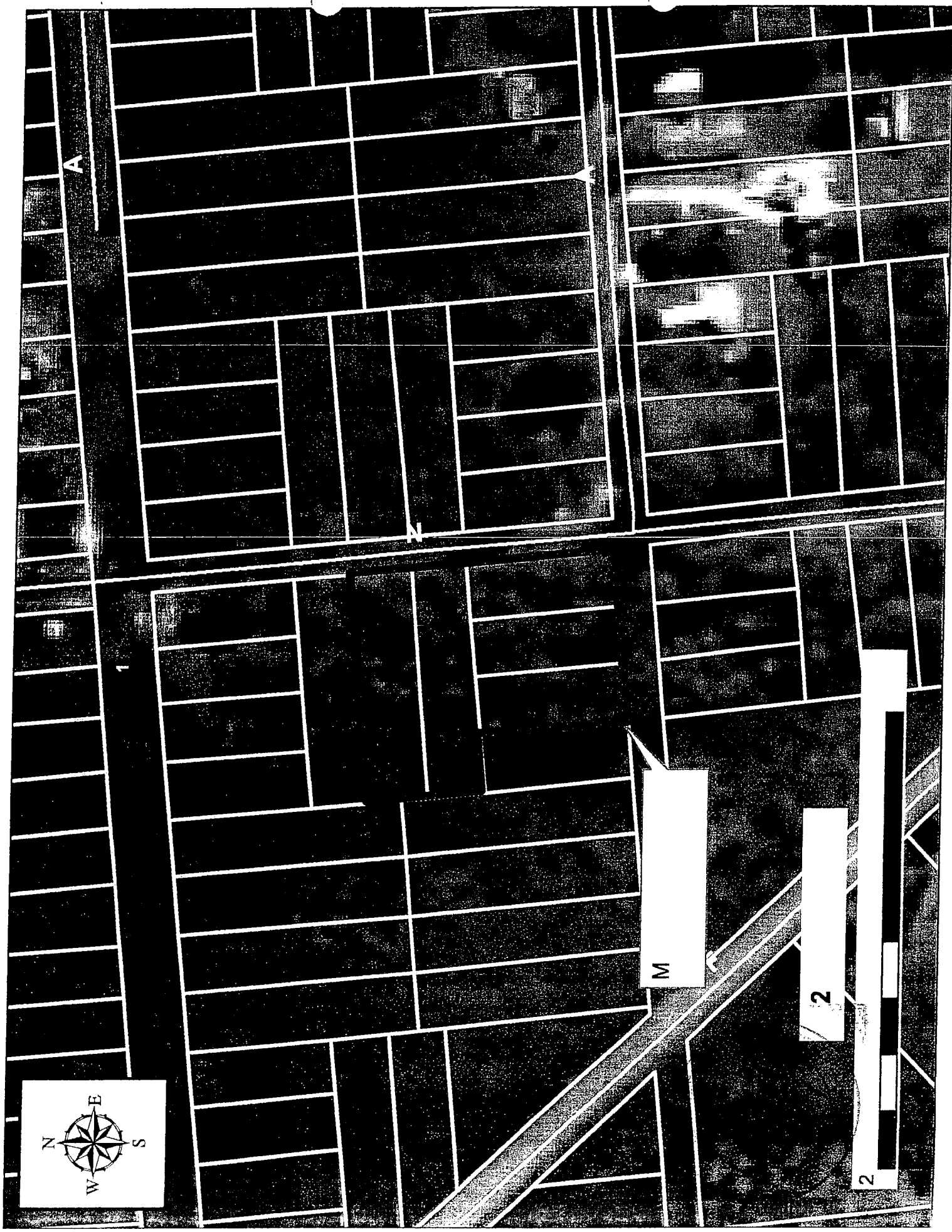
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N

M

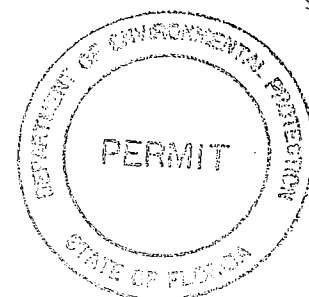
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2



St. Johns County Property Appraiser
Detailed Information on 117310 0160

PIN: 117310 0160						
Owner's Name				Physical Address		
ST JOHNS CO COMM REDEV AGENCY				901 VOLUSIA ST N		
Mailing Address				Map Page		
4020 LEWIS SPDWY				4E41B		
				Sec/Town/Range		
SAINT AUGUSTINE , FL 32095-0000				41/ 7/ 29		
Values						
Land	\$2,750.00		Building Sketch	click here	click here to see map	
Extra Features	\$0.00		Heated/Cooled Area	0		
Building Value	\$0.00		Adjusted Area	0		
Market	\$2,750.00		Year Built			
Assessed	\$2,750.00		Tax District	450		
Exempt	\$2,750.00		Neighborhood Code	00049300		
Taxable	\$0.00		Use Code/Description	008600/COUNTY		
Legal Description						
4-28 AFRO AMERICAN SUB OF BLK 90 DANCY TRACT LOT 16 OR1874/598 &2208/566						
Sale Date	Adjusted Price	Book&Page	Instrument	Qualified	Vacant or Improved	RCode
05/21/2004	\$0.00	2208 & 566	OI	U	V	1
12/31/2002	\$500,000.00	1874 &598	WD	U	V	1
08/09/1994	\$100.00	1069&1518	CD	U	V	1



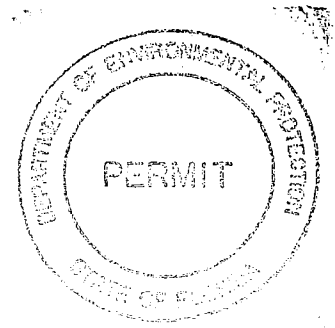
St. Johns County Property Appraiser
Detailed Information on 117310 0170

PIN: 117310 0170	
Owner's Name	Physical Address
ST JOHNS CO COMM REDEV AGENCY	904 AIKEN ST
Mailing Address	Map Page
4020 LEWIS SPDWY	4E41B
	Sec/Town/Range
SAINT AUGUSTINE , FL 32095-0000	41/ 7/ 29

Values					
Land	\$2,750.00		Building Sketch	click here	click here to see map
Extra Features	\$0.00		Heated/Cooled Area	0	
Building Value	\$0.00		Adjusted Area	0	
Market	\$2,750.00		Year Built		
Assessed	\$2,750.00		Tax District	450	
Exempt	\$2,750.00		Neighborhood Code	00049300	
Taxable	\$0.00		Use Code/Description	008600/COUNTY	

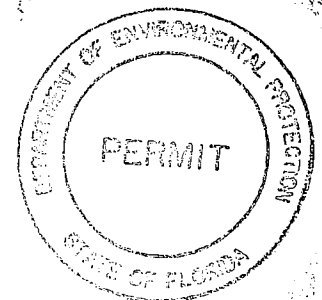
Legal Description
 4-28 AFRO AMERICAN SUB OF BLK 90 DANCY TRACT LOT 17 OR1874/598 &2208/566

Sale Date	Adjusted Price	Book&Page	Instrument	Qualified	Vacant or Improved	RCode
05/21/2004	\$0.00	2208 & 566	OI	U	V	1
12/31/2002	\$500,000.00	1874 & 598	WD	U	V	1
08/09/1994	\$100.00	1069&1518	CD	U	V	1



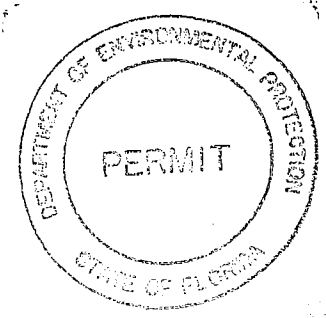
St. Johns County Property Appraiser
Detailed Information on 117310 0180

PIN: 117310 0180						
Owner's Name				Physical Address		
ST JOHNS CO COMM REDEV AGENCY				908 AIKEN ST		
Mailing Address				Map Page		
4020 LEWIS SPDWY				4E41B		
				Sec/Town/Range		
SAINT AUGUSTINE , FL 32095-0000				41/ 7/ 29		
Values						
Land	\$2,750.00		Building Sketch	click here	click here to see map	
Extra Features	\$0.00		Heated/Cooled Area	0		
Building Value	\$0.00		Adjusted Area	0		
Market	\$2,750.00		Year Built			
Assessed	\$2,750.00		Tax District	450		
Exempt	\$2,750.00		Neighborhood Code	00049300		
Taxable	\$0.00		Use Code/Description	008600/COUNTY		
Legal Description						
4-28 AFRO AMERICAN SUB OF BLK 90 DANCY TRACT LOT 18 OR1874/598 &2208/566						
Sale Date	Adjusted Price	Book&Page	Instrument	Qualified	Vacant or Improved	RCode
05/21/2004	\$0.00	2208 & 566	OI	U	V	1
12/31/2002	\$500,000.00	1874 &598	WD	U	V	1
08/09/1994	\$100.00	1069&1518	CD	U	V	1



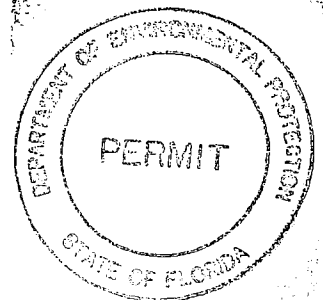
St. Johns County Property Appraiser
Detailed Information on 117310 0150

PIN: 117310 0150						
Owner's Name				Physical Address		
ST JOHNS CO COMM REDEV AGENCY				921 VOLUSIA ST N		
Mailing Address				Map Page		
4020 LEWIS SPDWY				4E41B		
SAINT AUGUSTINE , FL 32095-0000				Sec/Town/Range		
41/ 7/ 29						
Values						
Land	\$6,440.00		Building Sketch	click here	click here to see map	
Extra Features	\$0.00		Heated/Cooled Area	0		
Building Value	\$0.00		Adjusted Area	0		
Market	\$6,440.00		Year Built			
Assessed	\$6,440.00		Tax District	450		
Exempt	\$6,440.00		Neighborhood Code	00049300		
Taxable	\$0.00		Use Code/Description	008600/COUNTY		
Legal Description						
4-28 AFRO AMERICAN SUB OF BLK 90 DANCY TRACT LOT 15 OR1874/598 &2208/566						
Sale Date	Adjusted Price	Book&Page	Instrument	Qualified	Vacant or Improved	RCode
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12/31/2002	\$500,000.00	1874 &598	WD	U	V	1
08/09/1994	\$100.00	1069&1518	CD	U	V	1



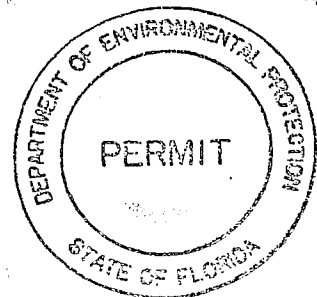
St. Johns County Property Appraiser
Detailed Information on 117310 0140

PIN: 117310 0140						
Owner's Name				Physical Address		
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Mailing Address				Map Page		
4020 LEWIS SPDWY				4E41B		
SAINT AUGUSTINE , FL 32095-0000				Sec/Town/Range		
41/ 7/ 29						
Values						
Land	\$6,440.00		Building Sketch	click here	click here to see map	
Extra Features	\$0.00		Heated/Cooled Area	0		
Building Value	\$0.00		Adjusted Area	0		
Market	\$6,440.00		Year Built			
Assessed	\$6,440.00		Tax District	450		
Exempt	\$6,440.00		Neighborhood Code	00049300		
Taxable	\$0.00		Use Code/Description	008600/COUNTY		
Legal Description						
4-28 AFRO AMERICAN SUB OF BLK 90 DANCY TRACT LOT 14 OR1874/598 &2208/566						
Sale Date	Adjusted Price	Book&Page	Instrument	Qualified	Vacant or Improved	RCode
05/21/2004	\$0.00	2208 & 566	OI	U	V	1
12/31/2002	\$500,000.00	1874 &598	WD	U	V	1
08/09/1994	\$100.00	1069&1518	CD	U	V	1



NOTICE

YOUR PROJECT DID NOT QUALIFY FOR THE STATE AND FEDERAL COMBINED STATE PROGRAMMATIC GENERAL PERMIT (SPGP) PROGRAM. THE ATTACHED AUTHORIZATION(S) DOES NOT INCLUDE THE REQUIRED FEDERAL AUTHORIZATION FOR YOU TO CONSTRUCT YOUR PROJECT. A COPY OF YOUR APPLICATION HAS BEEN SENT TO THE US ARMY CORPS OF ENGINEERS (USACOE) FOR PROCESSING. THE FEDERAL AUTHORIZATION FOR YOUR PROJECT WILL BE SENT TO YOU SEPARATELY BY THE USACOE. YOU CANNOT CONSTRUCT YOUR PROJECT WITHOUT THE APPROPRIATE FEDERAL AUTHORIZATION. THE USACOE CAN BE CONTACTED IN JACKSONVILLE AT 904-232-1679.



NOTICES SUBMITTED TO THE DEPARTMENT

Your permit DEP File No.: 55-246341-002-ES requires you to submit the attached Notices to the Department at the times indicated. Failure to submit these notices will constitute noncompliance with the conditions of your permit and an enforcement action may be brought against you. If you are using a contractor you are responsible for insuring these notices are submitted to the Department.

PLEASE NOTE - References to stormwater management systems in the attached forms refers to the activity or activities authorized in your permit.

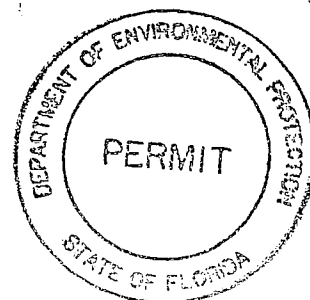
CONSTRUCTION COMMENCEMENT NOTICE -- FORM 62-343.900(3)
To be submitted 48 hours PRIOR to the commencement of the activity

ANNUAL STATUS REPORT - Form 62-343.900(4)
To be submitted annually each JUNE whenever the construction period exceeds one year after the construction commencement date.

AS BUILT CERTIFICATION PRIVATE RESIDENT -- FORM NED/AS-BUILT
In some cases, such as a single family resident constructing a structure on their own property for their own use, certification by a registered professional is not required. However, written notice to the Department within 30 days of completion of construction of the date the structure was completed is required. If you are a private single family resident property owner please use the As Built Certification - Private Resident form .

APPLICATION FOR TRANSFER OF PERMIT -- Form 62-343.900(8)
To be submitted within 30 days of any sale, conveyance, or other transfer of ownership or control of the permitted system or real property at which the system is located.

SUBMIT ALL NOTICES TO: Department of Environmental Protection
Environmental Resources Program
7825 Baymeadows Way, Suite B-200
Jacksonville, Florida 32256-7590



**ENVIRONMENTAL RESOURCE PERMIT
CONSTRUCTION COMMENCEMENT NOTICE**

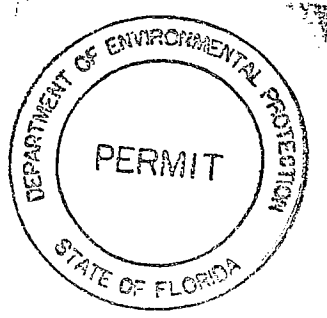
PROJECT: _____ PHASE: one (1)

I hereby notify the Department of Environmental Protection that the construction of the surface water management system authorized by Environmental Resource Permit No.: 55-246341-002-ES has / is expected to commence on _____
_____ 200____, and will require a duration of approximately _____ months _____ weeks _____ days to complete.
It is understood that should the construction term extend beyond one year, I am obligated to submit the Annual Status Report for Surface Water Management System Construction.

PLEASE NOTE: If the actual commencement date is not known, Department staff should be notified in writing in order to satisfy permit conditions.

Permittee or Authorized Agent	Title and Company	Date
Phone	Address	

Form #62-343.900(3), F.A.C.
Form Title: Construction
Commencement Notice
Date: October 3, 1995



**ENVIRONMENTAL RESOURCE PERMIT
AS-BUILT CERTIFICATION - PRIVATE RESIDENCE**

PERMIT NUMBER: 55-246341-002-ES

NAME: Ms. Sally Walters

I hereby certify that the activities authorized by the above permit have been completed in accordance with the drawings, documents and the general and specific conditions as specified in permit No.: 55-246341-002-ES. I also certify that the entity (company, cooperation, individual doing business as -d/b/a) listed below, if other than myself, completed the work authorized by the permit on the date indicated.

Ms. Sally Walters

First Name, Last Name (please type or print clearly)

Signature of Permittee

Date work completed _____

Work done by: _____

(Company, cooperation, individual doing business as -d/b/a)

(Address)

(Address)

(City)

(State)

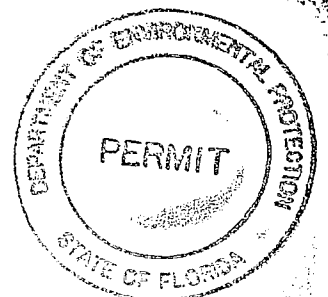
(ZIP Code + 4)

License Number: _____

Form: #consnote/ned

Form title: As-Built Certification - Private Residence

Date: November 11, 1996



APPLICATION FOR TRANSFER OF ENVIRONMENTAL RESOURCE PERMIT AND NOTIFICATION OF SALE OF A FACILITY OR SURFACE WATER MANAGEMENT SYSTEM

Permit No. _____ Date Issued _____ Date Expires _____

FROM (Name of Current Permit Holder): _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: (____) _____

Identification or Name of Facility/Surface Water Management System: _____

Phase of Facility/Surface Water Management System (if applicable): _____

The undersigned hereby notifies the Department of the sale or legal transfer of this facility, or surface-water management system, and further agrees to assign all rights and obligations as permittee to the applicant in the event the Department agrees to the transfer of permit.

Signature of the current permittee: _____

Title (if any): _____ Date: _____

TO (Name of Proposed Permit Transferee): _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: (____) _____

The undersigned hereby notifies the Department of having acquired the title to this facility, or surface-water management system. The undersigned also states he or she has examined the application and documents submitted by the current permittee, the basis of which the permit was issued by the Department, and states they accurately and completely describe the permitted activity or project. The undersigned further attests to being familiar with the permit, agrees to comply with its terms and with its conditions, and agrees to assume the rights and liabilities contained in the permit. The undersigned also agrees to promptly notify the Department of any future changes in ownership of, or responsibility for, the permitted activity or project.

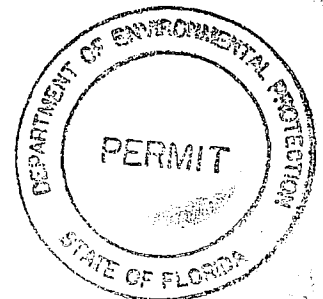
Signature of the applicant (Transferee): _____

Title (if any): _____ Date: _____

Project Engineer Name (if applicable) _____

Mailing Address: _____

Telephone: (____) _____



ENVIRONMENTAL RESOURCE PERMIT ANNUAL STATUS REPORT FORM

Permit No.: 55-246341-002-ES

County: _____

Project Name: Ms. Sally Walters

Phase: ONE (1)

the following activity has occurred at the above referenced project during the past year, between
June 1, 20____ and May 30, 20_____.

Permit Condition Activity	% of Completion	Date of anticipated Completion	Date of Completion
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

(Use additional Sheets As Necessary)

Benchmark Description (one per major control structure:)

Not Applicable

Print Name

Phone

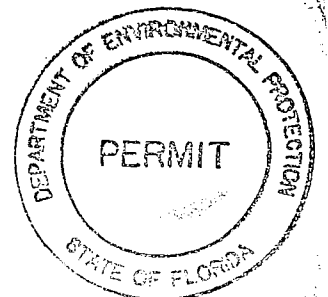
Permittee's or Authorized
Agent's Signature

Title and Company

Date

This form shall be submitted to the above referenced Department Office During June of each year for activities whose duration of construction exceeds one year.

Form: #62-343.900(4), F.A.C.
Form Title: Annual Status Report
Date: October 3, 1995





Department of Environmental Protection

Jeb Bush
Governor

Northeast District
7825 Baymeadows Way, Suite B200
Jacksonville, Florida 32256-7590

Colleen M. Castille
Secretary

Voice 904-807-3300 FAX 904-448-4366

SUBMERGED LANDS AND ENVIRONMENTAL RESOURCES PROGRAM

May 15, 2006

Ms Sally Walters
c/o LG² Environmental Solutions, Inc
88 Riberia Street, Suite 300
St Augustine, FL 32084

RE: Modification of Permit No.: 55-246341-002-ES

Dear Ms Walters:

Your request to modify the above permit has been reviewed by Department staff in accordance with Section 62-343.100 and 62-343.120, Florida Administrative Code (F.A.C.). Your permit was issued under the authority of Part IV of Chapter 373, Florida Statutes (S.F.), and Title 62, F.A.C., Chapter 253 and Chapter 258, F. S., and Chapter 18-20, F.A.C., if located within an Aquatic Preserve, and Chapter 18-21, and section 62-343.075, F.A.C., and the policies of the Board of Trustees and in accordance to Operating Agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C., and a Coordination Agreement Between the US Army Corps of Engineers, Jacksonville District, and the Department for a State Programmatic General Permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 401 of the Clean Water Act. This permit contains a regulatory authorization for the construction and operation of the system, a proprietary authorization for the use of sovereignty submerged lands for private purposes, if applicable, and the Federal State Programmatic General Permit (SPGP) for activities in Wetlands and/or Waters of the United States, if applicable.

The requested modification is to alter the off-site mitigation in order to accommodate a county right-of-way, and to change the Grantor on the Conservation Easement to St. John's County, the legal entity owning the lots offered for mitigation. In order to compensate for the loss of the 15-foot right-of-way adjacent to the original five lots offered for mitigation, St. John's County offers to place a sixth, adjacent lot under the Conservation Easement. The total amount of impact for the permitted project is 0.14 acres, in which 0.07 acres are jurisdictional wetlands and the remaining impacts are to the uplands. The addition of the sixth contiguous lot to the Conservation Easement will increase the off-site wetland preservation by 25% (1.1 acre) above the required 0.88 acre required for mitigation.

The requested modification(s) will affect these authorizations as listed:

REGULATORY AUTHORIZATION FOR CONSTRUCTION AND OPERATION

The above changes are not expected to adversely affect water quality and will not be contrary to public interest and not expected to result in any adverse environmental impact or water quality degradation. The authority sought under the provisions of Part IV of Chapter 373, F.S., and Title 62, F.A.C. to construct and operate the system is modified as described above.

PROPRIETARY REVIEW

Your project does not occur on state-owned submerged lands and will not require authorization from the Department to use these lands for private purposes in accordance with section 253.77, Florida statutes.

(B).
Original

Modification of Permit No.: 55-246341-002-ES

SPGP - STATE PROGRAMMATIC GENERAL PERMIT AUTHORIZATION -

Your proposed modification(s) has been reviewed in accordance with Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. **The US Army Corps of Engineers (Corps) State Programmatic General Permit (SPGP) was not granted in your original permit. Federal authorization for your project cannot be given in conjunction with this permit modification.** The Corps may require a separate permit modification (US Army Corps of Engineers, CESAJ-RD, PO Box 4970, Jacksonville, Florida, 32232-0019). The Corps can be contacted at 904-232-1666. Failure to obtain this authorization prior to construction could subject you to enforcement action by that agency.

If you have any questions, please contact Pat Davis at 904-807-3375, or via her Internet E-mail address at patricia.e.davis@dep.state.fl.us. When referring to your project please use the DEP File number listed above.

Sincerely,



Andrew Sears
Environmental Supervisor

Attachments

Copy to USACOE, Regulatory Section, Jacksonville

RIGHTS OF AFFECTED PARTIES

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

Mediation is not available.

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

A person subject to regulation has a right to apply for a variance from or waiver of the requirements of particular rules, on certain conditions, under section 120.542 of the Florida Statutes. The relief provided by section 120.542 applies only to regulatory rules. It does not apply to proprietary rules of the Board of Trustees of the Internal Improvement Trust Fund. Nor does it apply to statutes or federal regulatory requirements. Applying for a variance or waiver does not substitute or extend the time for filing a petition for an administrative hearing or exercising any other right that a person may have in relation to the Department's action or proposed action.

The application for a variance or waiver is made by filing a petition with the Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000. The petition must specify the following information:

- (a) The name, address, telephone number, and any facsimile number of the petitioner;
- (b) The name, address, and telephone number, and any facsimile number of the attorney or qualified representative of the petitioner, if any;
- (c) The applicable rule or portion of a rule from which a variance or waiver is requested;
- (d) The citation to the statute underlying (implemented by) the rule identified in (c) above;
- (e) The type of action requested;
- (f) The specific facts that demonstrate a financial hardship or a violation of principles of fairness that would justify a variance or waiver for the petitioner;
- (g) The reason why the variance or waiver would serve the purposes of the underlying statute (implemented by the rule); and
- (h) A statement whether the variance or waiver is permanent or temporary and, if temporary, a statement of the dates showing the duration of the variance or waiver requested.

The Department will grant a variance or waiver when the petition demonstrates both that the application of the rule would create a substantial hardship or violate principles of fairness, as each of those terms is defined in section 120.542(2) of the Florida Statutes, and that the purpose of the underlying statute will be or has been achieved by other means by the petitioner.

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

In accordance with rules 28-106.111(2) and 62-110.106(3)(a)(4), petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Under section 120.60(3) of

the Florida Statutes, however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication.

The failure to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that right.

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

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

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

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

CONSERVATION EASEMENT DEED

STATE OF FLORIDA

COUNTY OF ST. JOHNS

KNOW ALL PERSONS BY THESE PRESENTS THAT in consideration for the issuance of Florida Department of Environmental Protection permit number 55-246341-002-ES, to **SALLY WALTERS**, permittee, to construct a single-family residence with septic system and 12" culverted driveway, issued pursuant to the requirements of Chapter 373 (formerly Section 403.918), Florida Statutes, and Sections 62-330 and 62-343, Florida Administrative Code on or about March 28, 2006, **ST. JOHN'S COUNTY COMMUNITY REDEVELOPMENT AGENCY**, 4020 Lewis Speedway, St. Augustine, Florida 32095 (Grantor) has granted to the State of Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida (Grantee), a Conservation Easement in accordance with Section 704.06, Florida Statutes, in and over the real property in St. Johns County, Florida, as set forth in the legal description and drawings attached hereto as Attachments A and B.

As used herein, the term Grantor shall include any successor or assignee of the Grantor, and the term Grantee shall include any successor or assignee of the Grantee.

It is the purpose and intent of this Conservation Easement to assure that the subject lands (except that which has been authorized by this permit) will be retained and maintained forever predominantly in the natural vegetative and hydrologic condition existing at the time of execution of this Conservation Easement. The included wetlands, which are to be protected, shall be maintained forever in the enhanced or created conditions required by the aforementioned permit.

Except for such specific activities as authorized pursuant to Florida Department of Environmental Protection permit 55-246341-002-ES, including but not limited to creation, enhancement and maintenance of wetlands as specified mitigation in said permit, the following activities are prohibited on the property subject to this Conservation Easement:

1. Construction or placing of buildings, roads, signs, billboards, or other advertising, utilities, or other structures on or above the ground, however, the Department may approve such passive recreational structures as boardwalks, gazebos, or similar piling-supported structures subject to additional permitting;
2. Dumping or placing of soil or other substances or material as landfill, or dumping or placing of trash, waste, or unsightly or offensive materials;
3. Removal or destruction of trees, shrubs, or other vegetation; with the exception of nuisance and exotic plant species as may be required by Grantee;
4. Excavation, dredging, or removal of loam, peat, gravel, soil, rock or other material substance in such manner as to affect the surface;
5. Surface use except for purposes that permit the land or water area to remain predominantly in its natural condition;
6. Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation;
7. Acts or uses detrimental to such aforementioned retention and maintenance of land or water areas, and
8. Acts or uses detrimental to the preservation of any features or aspects of the property having historical, archaeological or cultural significance.

It is understood that the granting of this Conservation Easement entitles the Grantee or its authorized representatives to enter the above-described land in a reasonable manner and at reasonable times to assure compliance.

The Grantor on behalf of itself and its successors or assigns hereby agrees to bear all costs and liability relating to the operation and maintenance of the lands subject to this Conservation Easement in the natural vegetative and hydrologic condition existing at the time of execution of this Conservation Easement, including the maintenance of enhanced or created wetlands in the vegetative and hydrologic condition required by the aforementioned permit, and Grantor does hereby indemnify and hold harmless the Grantee from same. The Conservation Easement hereby granted and the obligation to retain and maintain the land forever predominately in the vegetative and hydrologic condition as herein specified shall run with land and shall be binding upon the Grantor and its successors and assigns, and shall inure to the benefit of the Grantee and its successors and assigns.

The terms and conditions of this Conservation Easement may be enforced by the Grantee by injunctive relief and other appropriate available remedies, and Grantor consents that venue for such enforcement actions shall lie exclusively in the circuit court of the Seventh Judicial Circuit, in St. Johns County, Florida. In any enforcement action in which the Grantee prevail, grantee shall be entitled to recover reasonable attorneys' fees and costs in the trial and appellate courts, in addition to the cost of restoring the land to the natural

EXHIBIT "B"

To Conservation Easement for Florida Department of Environmental Protection permit number 55-246341-002-ES

Lot 13, Block 90 (less and except the easterly 15 feet for right of way) as shown on plat of the Afro-American Subdivision of the Dancy Tract Unit No. 2 as recorded in Map Book 4, Page 28 of the Public Records of St. John's County, Florida, property appraiser's PIN number 117310 0130; and

Lot 14, Block 90 (less and except the easterly 15 feet for right of way) as shown on plat of the Afro-American Subdivision of the Dancy Tract Unit No. 2 as recorded in Map Book 4, Page 28 of the Public Records of St. John's County, Florida, property appraiser's PIN number 117310 0140; and

Lot 15, Block 90 (less and except the easterly 15 feet for right of way) as shown on plat of the Afro-American Subdivision of the Dancy Tract Unit No. 2 as recorded in Map Book 4, Page 28 of the Public Records of St. John's County, Florida, property appraiser's PIN number 117310 0150; and

Lot 16, Block 90 (less and except the easterly 15 feet for right of way) as shown on plat of the Afro-American Subdivision of the Dancy Tract Unit No. 2 as recorded in Map Book 4, Page 28 of the Public Records of St. John's County, Florida, property appraiser's PIN number 117310 0160; and

Lot 17, Block 90 (less and except the easterly 15 feet for right of way) as shown on plat of the Afro-American Subdivision of the Dancy Tract Unit No. 2 as recorded in Map Book 4, Page 28 of the Public Records of St. John's County, Florida, property appraiser's PIN number 117310 0170; and

Lot 18, Block 90 (less and except the easterly 15 feet for right of way) as shown on plat of the Afro-American Subdivision of the Dancy Tract Unit No. 2 as recorded in Map Book 4, Page 28 of the Public Records of St. John's County, Florida, property appraiser's PIN number 117310 0180.

EXHIBIT "B"

To Conservation Easement for Florida Department of Environmental Protection permit number 55-246341-002-ES

Lot 13, Block 90 (less and except the easterly 15 feet for right of way) as shown on plat of the Afro-American Subdivision of the Dancy Tract Unit No. 2 as recorded in Map Book 4, Page 28 of the Public Records of St. John's County, Florida, property appraiser's PIN number 117310 0130; and

Lot 14, Block 90 (less and except the easterly 15 feet for right of way) as shown on plat of the Afro-American Subdivision of the Dancy Tract Unit No. 2 as recorded in Map Book 4, Page 28 of the Public Records of St. John's County, Florida, property appraiser's PIN number 117310 0140; and

Lot 15, Block 90 (less and except the easterly 15 feet for right of way) as shown on plat of the Afro-American Subdivision of the Dancy Tract Unit No. 2 as recorded in Map Book 4, Page 28 of the Public Records of St. John's County, Florida, property appraiser's PIN number 117310 0150; and

Lot 16, Block 90 (less and except the easterly 15 feet for right of way) as shown on plat of the Afro-American Subdivision of the Dancy Tract Unit No. 2 as recorded in Map Book 4, Page 28 of the Public Records of St. John's County, Florida, property appraiser's PIN number 117310 0160; and

Lot 17, Block 90 (less and except the easterly 15 feet for right of way) as shown on plat of the Afro-American Subdivision of the Dancy Tract Unit No. 2 as recorded in Map Book 4, Page 28 of the Public Records of St. John's County, Florida, property appraiser's PIN number 117310 0170; and

Lot 18, Block 90 (less and except the easterly 15 feet for right of way) as shown on plat of the Afro-American Subdivision of the Dancy Tract Unit No. 2 as recorded in Map Book 4, Page 28 of the Public Records of St. John's County, Florida, property appraiser's PIN number 117310 0180.