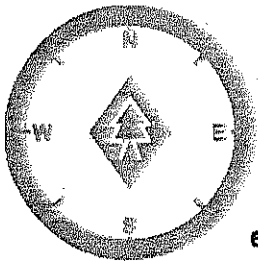


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**Addendum to the April 2007
Wetland Mitigation Plan
For
Blues Creek Unit 5,
Phases 2 & 3**

Prepared for:
Larry Ross, Blues Creek Development


Prepared by:



ECD & D
environmental consulting & design, inc.
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Gainesville, FL 32601

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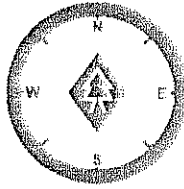
EC&D PROJECT NO: 04-063

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June 2007

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June 12, 2007

Bedez E. Massey
City of Gainesville
Department of Community Development
P.O. Box 490, Station 12
Gainesville, FL 32602

76SUB-06DB

RE: Blues Creek Unit 5, Phases 2 and 3
Wetland Mitigation Plan Addendum
EC&D Project No. 04-063

Dear Ms. Massey:

Environmental Consulting & Design, Inc. (EC&D) as agent for Larry Ross, Blues Creek Development, is submitting the attached addendum to replace the documents that were part of the Blues Creek - Wetland Mitigation Plan for Unit 5, Phases 2 and 3, April 2007 submittal. Please note EC&D was formerly known as the Gainesville Office of Creative Environmental Solutions, Inc. (CES).

The attached revised documents include: the Mitigation Plan, Permit Drawings 2, 5, and 8, and Exhibit 2 - Uniform Mitigation Assessment Method (UMAM) Worksheets. Please replace the April 2007 documents with the attached submittals.

If you have any questions or require additional assistance, please contact me at (352) 371-4333 ext 209.

Sincerely,

Carl Salafrio
President, CEO

cc: Larry Ross, Blues Creek
Ralph Eng, Eng Denman & Associates
Patrice Boyes, Esq.
David Depew, Morris Depew Associates

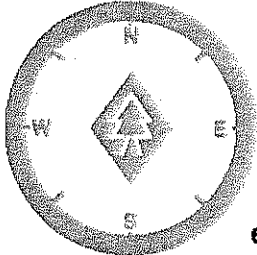
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**Addendum to the April 2007
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Prepared for:
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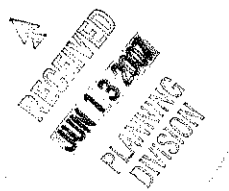


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INTRODUCTION

Environmental Consulting & Design, Inc. (EC&D) was retained by New Generation Home Builders to assist in obtaining a permit from the City of Gainesville for the construction of Unit 5, Phases 2 and 3 of the Blues Creek Subdivision. Please note that the Gainesville office of Creative Environmental Solutions, Inc. (CES) is now EC&D. The project site is located north of Devil's Millhopper State Geological Site, east of the University of Florida Agricultural Experimental Station and west of the existing Blues Creek Unit 4. This report provides supporting information for the request for a development permit including a wetland mitigation plan to compensate for proposed wetland impacts, and to address certain aspects of the Gainesville Land Development Code, Chapter 30 (LDC), particularly Sec. 30-301 through 302.1.

BACKGROUND

The Master Plan for the Blues Creek Subdivision was developed and approved by Alachua County in the 1980s. The original Master Plan depicted five conservation areas within Unit 5 (Permit Drawing 1). When the plan was developed, the wetlands shown on the original plan were not delineated or surveyed. Consequently, the areas shown do not accurately depict the aerial extent of wetlands on the site. For Unit 5, Phases 2 and 3 a wetland delineation was conducted by Pete Wallace followed by a verification by Louis Mantini (SRWMD) and Michael Drummond and Michael Bono (Alachua County) in 2002 (Permit Drawing 2). The current plan is consistent with the Master Plan by retaining the original conservation areas as shown in Permit Drawing 2.

Suwannee River Water Management District (SRWMD) issued an Environmental Resource Permit (ERP) No. ERP05-0146 on September 2, 2005 for this project (Exhibit 1). The ERP authorizes 0.39 acres of wetland impacts as shown on the permit drawings. As compensation, EC&D developed a mitigation plan which was accepted by SRWMD and incorporated into the ERP. The mitigation plan provided 0.52 acres of wetland enhancement, 0.59 acres of wetland creation, a detailed environmental site analysis, including a Uniform Mitigation Assessment Methodology (UMAM) analysis, and a description and explanation of the proposed wetland impacts. The UMAM assessment worksheets also provide information related to wildlife and listed species observed during site visits (Exhibit 2).

The original off-site mitigation plan submitted to the City of Gainesville in June 2004 incorporated 2.1 acres of wetland impact (Exhibit 3). EC&D revised the design and mitigation plan in August of 2004. This revised on-site mitigation plan was submitted to the City of Gainesville with 1.2 acres of proposed wetland impact (Exhibit 3). In March of 2005, the plan was submitted to SRWMD. Through the permitting process with SRWMD, The design was again revised to propose only 0.39 acres of wetland impacts, 0.01 acres of which was an isolated wetland impacted during the construction of Unit 5, Phase 1. This plan was permitted by SRWMD in September 2005. In September of 2006, the City of Gainesville Development Review Board voted to deny the petition in part due to the lack of Avoidance and Minimization per Sec. 30-302.1 of the City of Gainesville Land Development Code. Subsequently, the design plat has been revised to further minimize wetland impacts to 0.023 acres. Due to the configuration of the property, impacts to Wetland Buffers are unavoidable (Permit Drawing 2). After consultation with City of Gainesville Staff, EC&D has utilized UMAM to calculate the required mitigation. Please see Exhibit 2, Permit Drawing 3, and Section 30-302 b) below for more information.

CONSISTENCY WITH THE CITY OF GAINESVILLE LAND DEVELOPMENT CODE

The proposed project is consistent with the regulations and intent of the LDC, Sec. 30-301 and 302. An overview of the regulations and consistency statements specifically applicable to this project are provided below.

Sec. 30-301. Regulated surface waters and wetlands.

- a) The regulated creeks, lakes, and wetlands are as follows:
1. Creeks and lakes delineated on the map entitled: "Surface Waters and Wetlands District", on file with the public works department, the department of community development and the clerk of the commission, and other creeks and lakes that are "waters in the state" as defined in F.S. § 373.019(17).
 2. All wetlands, as delineated pursuant to Rule 62-340.300, F.A.C.
- b) In the event the city annexes property containing one or more creeks, lakes, or wetlands, the affected annexed property will be included in the district. All creeks and lakes that are "waters in the state" and all wetlands delineated pursuant to Rule 62-340.300 which are located in the city, including those in the annexed areas, are regulated by this article. (Ord. No. 3777, § 1, 6-10-92; Ord. No. 3911, § 10, 10-4-93; Ord. No. 4046, § 5, 12-12-94; Ord. No. 020461, § 4, 4-12-04)

RESPONSE: The on-site wetlands were delineated in accordance with Rule 62-340.300 FAC. The wetland boundaries were reviewed and accepted by SRWMD and Alachua County in 2002. See Permit Drawing 2 and the Design Plat drawings from Eng, Denman, and Associates. The centerline of Blues Creek was field determined and surveyed by Eng, Denman, and Associates in conjunction with Rick Melzer (Public Works) and Meg Neiderhoffer (Arborist) on October 4, 2006. Please see Permit Drawings 2 and 3 for the location.

A representative from Creative Environmental Solutions, Inc. completed an aerial photograph interpretation of the adjacent property owned by IFAS to determine the approximate extent of wetlands adjacent or within 50-feet of the western boundary of Unit 5. Please see Permit Drawing 2 for the approximate locations.

Sec. 30-302. General requirements and procedures.

- a) *Platted lots.* It is the policy of the city that wetlands and required wetland buffers not be included within any platted lots or blocks for lots or blocks of any subdivision (not including lot splits and minor subdivisions) which are approved after April 12, 2004.

RESPONSE: No wetlands or buffers are included within platted lots with the exception of wetlands and buffers within platted lots along the "90-acre drainage easement, developed recreation & conservation area" only (Exhibit 5). The wetlands and buffers within the lots surrounding the drainage easement will be undisturbed as shown on Permit Drawing 2 and the plat drawings provided by Eng, Denman and Associates. These areas are allowed by the master plan and agreed to by the City of Gainesville (See note on Permit Drawing 1).

- b) *Buffers.* Except as otherwise provided, there shall be no development in, on or over a surface water or wetland, or within 75 feet of the landward extent of a regulated lake, or within 35 feet of the break in slope at the top of the bank of any regulated creek as referred to in section 30-301.

A minimum buffer distance of 35 feet and an average minimum buffer distance of 50 feet shall be required between the developed area and the landward extent of any wetland or surface water, other than (as provided in the preceding paragraph) a regulated lake or creek. Figure 1 depicts the minimum 50-foot buffer distance without encroachment. Wherever the buffer distance is less than 50 feet, the amount of such encroachment along

the 50-foot buffer line shall be mitigated along an equal length of buffer line contiguous to the encroachment. Such mitigation shall consist of increasing the minimum buffer distance so that the average minimum buffer distance of 50 feet is maintained at that location. Figures 2 and 3 depict encroachment of the 50-foot distance with required mitigation contiguous to the encroachment. The required increase in minimum buffer distance can be provided along an equal length of buffer line not contiguous to the encroachment only if greater protection of wetland resources can be attained, subject to the approval of the city manager or designee or appropriate reviewing board. See Figure 4 for depiction of increased minimum buffer distance along equal length of buffer line not contiguous to the encroachment.

The average minimum distance of 50 feet shall be maintained under all circumstances unless it is established, prior to permitting, by competent, substantial evidence that a distance greater than 50 feet is required for the protection of wetland functions, as required by this article. Buffers shall remain in an undisturbed condition except for drainage features that will not adversely affect wetland functions and public infrastructure exempted by section 30-304. Outfall structures from stormwater retention or detention basins can be allowed within required buffers. The buffer shall not apply to surface waters or wetlands created by humans, except those wetlands that are created for mitigation. The buffer shall be clearly delineated with permanent markers.

Within required wetland or surface water buffers, there shall be no placement of impervious surfaces or sod, except as otherwise allowed pursuant to this article. All invasive, non-native plant species listed in section 30-251(7)g. shall be removed prior to issuance of the certificate of occupancy. All plants listed on the Noxious Weed List, Section 5B-57.007, F.A.C., shall be removed prior to issuance of the certificate of occupancy. Native vegetation shall be retained and/or installed in order to protect wetland and surface water environmental features.

RESPONSE: As noted above, the centerline of top of bank of Blues Creek was verified, surveyed and is shown on Permit Drawings 2 and 3. No development will occur within 150 feet of the creek.

A minimum 50-foot buffer has been designated on the preserved wetlands, with several exceptions.

- A portion of the southern buffers of Wetland A will be impacted by road construction. Compensation was provided for Wetland A by providing an increased buffer as shown on Permit Drawing 2.
- Compensation for the southern buffer on Wetland F was not provided as the buffer presented was agreed upon during the platting of Unit 5, Phase 1. The road is already stubbed out in this location. The City of Gainesville and the Alachua County EPD approved the location of this road during previous phase platting (Exhibit 6).
- Impacts to the buffer of Wetland B are unavoidable. As discussed with City of Gainesville staff, impacts between 35 and 50 feet was averaged as shown on Permit Drawing 2. Buffer impacts between 0 and 35 feet were quantified and mitigation will be provided for as shown below and in the UMAM (Exhibit 2).

Secondary impacts for loss of buffer at the proposed wetland impact areas are proposed to be mitigated as follows:

- Speed deterrents in the roadways as depicted on Permit Drawing 8.

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- Wildlife crossing signs at the locations depicted on Permit Drawing 8.
- Vegetation planted densely along portions of roadways adjacent to wetlands, as well as at the locations shown on Permit Drawing 8 as Wildlife Crossings.

These measures will assist wildlife movement between undeveloped areas and the 90-acre drainage easement area to the preserved wetlands.

Providing this type of compensation for secondary impacts is in accordance with the SRWMD Applicant's Handbook, Chapter 12.2.7 and 12.3.1.5, and 62-345.100(5) F.A.C.

- c) Outstanding Florida Waters, as listed in Section 62-302.700, F.A.C., shall have a minimum buffer of 200 feet. N/A
- d) For development activity between 35 and 150 feet from the break in slope at the top of the bank of any regulated creek, it is a rebuttable presumption that the development activity is detrimental to the regulated creek and is therefore prohibited unless approval is granted as set forth below.

RESPONSE: A 150 foot buffer was placed on the creek as verified by City Staff in October of 2006. Building setbacks within lots have been designed outside of the 150 foot buffer to ensure no development will occur.

- e) Development plans for lots within 150 feet of any regulated creek shall demonstrate compliance with the following standards (standards (2) and (3) shall not be applied to residential single-family lots): N/A
1. The development will not introduce erosion and sediment pollution to the creek both during and after construction;
 2. The first one inch of runoff or appropriate water management district standards, whichever is greater, will either be retained or detained through filtration on the project site;
 3. There will be no net increase in the rate of runoff from the site;
 4. There is no threat to the stability of the creek bank;
 5. There will be no placement of buildings, structures, impervious surfaces, or sod that would require the removal of vegetation integral to the creek's ecological value. All invasive, non-native plant species listed in section 30-251(7)g. shall be removed prior to issuance of the certificate of occupancy. All plants listed on the Noxious Weed List, Section 5B-57.007, F.A.C., shall be removed prior to issuance of the certificate of occupancy. Native vegetation shall be installed and/or retained to protect surface water or wetland environmental features.
- f) The development will not modify groundwater levels so as to have an adverse impact on the hydrological regime of a surface water or wetland. For the purposes of this provision, adverse impact is defined as a change that prevents the surface water or wetland from maintaining a structure and function equivalent to pre-development levels.
- RESPONSE:** Adverse impacts to Wetland A and B have been determined by calculating the impact acreage and providing a UMAM analysis to determine the functional loss of those wetlands.

The development will not adversely affect the hydrological regime of the preserved wetlands as the post-development flow will match the pre-development flow of the wetlands. The current seasonal high water elevations (SHWE) of the wetlands will not be

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altered by the proposed work. Culverts will be installed within the buffer of Wetland B and the invert elevation of the culverts will be set at 159.68, the surveyed SHWE. Additionally, stormwater will not be treated within Wetland B, it will be directed to the "90-acre drainage easement, developed recreation & conservation area." Design specifications are not required at this stage and will be provided by Eng, Denman and Associates with the final construction plans.

- g) If a proposed development requires development plan review pursuant to Article VII of this Code, the showing of compliance with the requirements of the surface waters and wetlands sections of Article VIII shall be made in development plan review. The petition for development plan review shall provide both a hydrological report and construction plans prepared by a qualified engineer registered in the state.

RESPONSE: Noted and will be provided by Eng, Denman and Associates during the construction plan phase.

- h) If a proposed development does not require development plan review, a showing of compliance shall be certified by the city manager's designee prior to issuance of any building permit. To demonstrate compliance with the requirements concerning quality and control of erosion and sediment pollution, the development plan may employ the city's "General Criteria for Controlling Erosion and Sediment," in the design manual, or equivalent practices, rather than employing the more elaborate hydrological and soil reports used in development plan review. Compliance with the measures required by "General Criteria for Controlling Erosion and Sediment" shall be presumed sufficient to meet the standards in subsections 30-302(e)(1), (2) and (3). The development plan shall provide enough information to demonstrate compliance with the remaining standards, but need not ordinarily be prepared by a registered engineer. A professional land surveyor certified by the state shall provide the lot boundaries survey and topographical information.
N/A

- i) On-site transfer of development intensity and density. In order to protect surface water features of a site, development intensity and density for building areas may be transferred from a lower to a higher elevation within the same property or adjacent property under the same ownership and zoning category. Intensity and density may be apportioned over the property by reserving the surface water and its buffer area as common open space. If all of the intensity and density is transferred to the adjacent property, the owner shall record a restriction in the chain of title of the transferor property, prior to issuance of a final development order, to restrict the use of the land in perpetuity to non-development uses, with such restrictions being expressly enforceable by the city. N/A

- j) The installation of new septic tanks is prohibited within 150 feet of the landward extent of a regulated lake or wetland, or within 150 feet from the break in slope at the top of the bank of a regulated creek. N/A

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 3911, § 10, 10-4-93; Ord. No. 4046, § 6, 12-12-94; Ord. No. 960060, § 23, 6-8-98; Ord. No. 990954, § 14, 4-24-00; Ord. No. 020461, § 5, 4-12-04)

Sec. 30-302.1. Avoiding loss or degradation of wetlands.

Wetlands within and around the City of Gainesville provide environmental benefits such as water quality improvement, floodplain and erosion control, groundwater recharge and wildlife habitat, especially for species listed as endangered, threatened or of special concern by state and federal agencies, plus recreational, aesthetic and educational opportunities for people. These functions

may be provided regardless of wetland size. Wetlands damaged or degraded shall either be restored to their function and condition prior to such damage, or mitigated pursuant to the mitigation requirements in the comprehensive plan, this Code, and in accordance with appropriate water management district standards.

- a) *Purpose and intent.* The purpose of this section is to avoid loss or degradation of wetland functions, to minimize unavoidable degradation or loss of wetland functions and to require mitigation that fully offsets any unavoidable loss or degradation of wetland functions. In addition, it is the purpose of this section to ensure that development activities that cause the unavoidable degradation or loss of wetland function are clearly in the public interest and fully offset any degradation or loss of wetland functions through sustainable mitigation. This section should contribute to the restoration of wetlands functions in the city.
- b) *Applicability.* Except as provided below this section shall be applicable to all wetlands within the City of Gainesville. This section shall not apply to the maintenance of permitted stormwater systems.
- c) *Delineation.* Wetlands shall be delineated pursuant to Rule 62-340.300, F.A.C.. Delineations performed by the State of Florida pursuant to Rule 62-340.300, F.A.C., shall be binding on the city for the purposes of this section.
- d) *Avoidance through minimization.* Avoidance of loss of wetland function and wetland habitat is of the highest priority. The owner shall avoid loss of wetland function and wetland habitat by implementing practicable design alternatives to minimize adverse impacts to wetlands, except as permitted in this section:

The adverse impacts remaining after practicable design modifications have been made shall be offset by mitigation as provided herein. A development activity cannot cause a net adverse impact on wetland functions, wetland habitat, or surface water functions, if such activity is not offset by mitigation.

Avoidance through practicable design modifications is not required when the ecological value of the function provided by the area of wetland is low and the proposed mitigation will provide greater long-term ecological value than the area of wetland to be affected.

RESPONSE: Avoidance through minimization of wetland impacts was addressed through the design and permitting process. The original off-site mitigation plan, submitted to the City of Gainesville in June 2004, incorporated 2.1 acres of wetland impact and 54 lots (Exhibit 3). After the initial review, EC&D revised the design and mitigation plan to reduce wetland impacts. This revised on-site mitigation plan was resubmitted to the City of Gainesville in August of 2004 with 1.2 acres of proposed wetland impact and 50 lots (Exhibit 3).

In March of 2005, a site plan submitted to SRWMD proposed 1.2 acres of wetland impacts. Subsequent to revisions at the formal request of SRWMD staff, impact to Wetland A was reduced from 0.6 acres, to 0.02 acres, and in Wetland B reduced from 0.64 acres to 0.36 acres. This was ultimately accomplished by shifting the road and eliminating 5 lots for a total of 45 lots.

Subsequent to the City of Gainesville Development Review Board in September of 2006 and further discussions with Staff, Phase 3 has been redesigned to further minimize wetland impacts. The roadway has been rerouted around Wetland B to eliminate the 0.36

acres of impact and another lot. Further reduction of impacts is not feasible due to the position of the wetlands in the landscape, and the necessity for access. The applicant has demonstrated avoidance and minimization to the extent feasible for the site. Wetland impacts have decreased from 2.1 acres to 0.023 acres or 99% and the number of lots has decreased from 54 to 44 or 18.5%.

The revised site plan provides the ultimate protection to the jurisdictional wetlands while providing essential road access. Financial documentation regarding the feasibility of development will be provided under separate cover by Morris-Depew and Associates, Inc.

Even though these practical design modifications occurred, the mitigation plan provides greater on-site ecological value than the wetlands being affected. The mitigation areas (M1 and M2) total 1.74 acres; enhancement of an existing 0.24-acre wetland (wetland D) by conducting hydrological and vegetation improvements, and by creating a contiguous wetland with a 50-foot minimum buffer. Mitigation Area 1 includes the 0.24-acre Wetland D and the conveyance leading to Blues Creek. The total mitigation provided by M1 is 0.52 acres.

All avoided wetlands, and the mitigation area including buffers will be preserved by deed restrictions. This plan addresses the City of Gainesville's desire for on-site mitigation and wetland protection. Design modifications and on-site mitigation collectively substantiate that the applicant has demonstrated avoidance of wetland impacts through minimization.

Furthermore, a revised mitigation plan was completed and submitted on August 14, 2006 which consisted of a re-assessment of the UMAM values of the mitigation area in response to concerns expressed by the EPD to the City during the TRC process. With that submittal, compensation for secondary impacts was also provided (see Permit Drawing 8). These measures are in excess of what was required and permitted by SRWMD. The UMAM mitigation assessment for SRWMD resulted in 0.56 acres of mitigation required. After revising the UMAM values for the mitigation area in response to EPD concerns, the UMAM resulted in 1.3 acres of mitigation required, more than required by SRWMD. Subsequent to the minimization of wetland impact, 0.97 acres of mitigation is required for the 0.02 acres of impact to Wetland A, the 0.003 acres of impact to Wetland B, and the 0.26 acres of buffer impact to Wetland B (See Exhibit 2).

- e) *Conditions for the issuance of a development permit for property upon which wetlands are located.* The city manager or designee or appropriate reviewing board shall review all permit applications based on the conditions set forth below. No development of property containing wetlands shall be permitted unless the owner provides reasonable assurance that the activity:

1. Will not adversely impact the value of wetland functions provided to fish and wildlife and listed species;

RESPONSE: The mitigation plan provides greater wetland function; therefore development according to the site plan will not adversely impact wetland functions or listed species.

2. Will not cause adverse secondary or cumulative impacts to water and wetland resources;

RESPONSE: Potential secondary impacts for loss of buffer at the proposed wetland impact areas are proposed to be mitigated as follows:

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- Speed deterrents in the roadways as depicted on Permit Drawing 8.
- Wildlife crossing signs at the locations depicted on Permit Drawing 8.
- Vegetation planted densely along portions of roadways adjacent to wetlands, as well as at the locations shown on Permit Drawing 8 as Wildlife Crossings.

These measures will assist wildlife movement from the 90-acre drainage easement area to the preserved wetlands. Providing this type of compensation for secondary impacts is in accordance with the SRWMD Applicant's Handbook, Chapter 12.2.7 and 12.3.1.5, and 62-345.100(5) F.A.C.

3. Will be capable, based on generally accepted engineering and scientific principles, of being performed and of functioning as proposed;
RESPONSE: The development plan was prepared by a professional engineer, with oversight and supporting information provided by a professional environmental consultant, both with many years of relative experience in the fields of engineering, environmental science, and mitigation.
4. Will be conducted by an entity with the sufficient financial, legal and administrative capability to ensure that the activity will be undertaken in accordance with the terms and conditions of the permit, if issued;
RESPONSE: The developer has successfully constructed many developments in the Gainesville area, including the prior four phases of Blues Creek. Proof of legal and financial interest has been further demonstrated by issuance of the SRWMD ERP.
5. Will comply with criteria for buffer zones set forth herein;
RESPONSE: The site plan was designed to adhere to the required buffers.
6. Is consistent with the owner's stormwater management permit, if required; and
RESPONSE: The SRWMD ERP will be modified to reflect the new design and mitigation requirements subsequent to approval by the City of Gainesville.
7. Is clearly in the public interest based on a balancing of the following criteria:
RESPONSE: The development clearly meets the Public Interest Test through the issuance of the SRWMD ERP. In evaluating ERPs, a Water Management District must determine that the proposed mitigation provides greater ecological benefit than the impacted wetlands. The District review process addresses avoidance and minimization of wetland impacts, the potential affects to the human and natural environment, and the applicability of the mitigation plan for a specified impact.
 - a. Whether the development activity requires location in, on, or over wetlands or surface waters in order to fulfill its basic function;
RESPONSE: Road access necessitates minor wetland impact to provide access to the development.
 - b. The effect of the development activity on the public health, safety, or welfare or the property of others;
RESPONSE: The development is an additional phase of an existing subdivision and will not adversely affect the public. The site has been designed according to generally accepted engineering practices and will not effect the public health, safety or welfare of the property of others.

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- c. The effect of the development activity on fish, wildlife and native plant communities;
RESPONSE: The mitigation more than compensates for the proposed impact. In addition, this is another phase to an existing development. This and the prior phases are constructed adjacent to a "90-acre drainage easement, developed recreation & conservation area." This area and the wetlands associated with Unit 5, Phases 2 and 3 will remain accessible to wildlife. Wildlife access from the 90-acre drainage easement to the preserved wetlands will be facilitated by the addition of wildlife crossing enhancements (see Permit Drawing 8).

- d. The effect of the development activity on recreation, open space and aesthetic values;
RESPONSE: The wetlands, buffers, and the mitigation area will be preserved by deed restrictions. These areas add additional recreation, open space, and aesthetic value to the property.

- e. The effect of the development activity on significant historical and archaeological resources;
RESPONSE: The development will not affect historical or archeological resources. No listed historical or archeological resources are present within the property according to the data from the Florida Department of State, Division of Historical Resources (See Figure 4). Furthermore, the ERP requires work to cease if any artifacts are discovered during construction, and SRWMD must be notified.

- f. Whether the development activity will be of a temporary or permanent nature;
RESPONSE: The development is permanent.

- g. The current condition and relative value of wetland functions being performed by areas affected by the proposed activity;
RESPONSE: The current condition of the wetlands is documented in the UMAM (Exhibit 2). In response to EPD comments provided to the City staff during the TRC process, the mitigation plan was revised to add compensation for secondary impacts, and the mitigation UMAM values were recalculated. The proposed mitigation area far exceeds the acreage dictated by the UMAM analysis after minimization of wetland impacts.

- h. The type, extent, and geographic location of any mitigation proposed;
RESPONSE: The mitigation provides compensation for the impacts as demonstrated by UMAM, and is proposed on-site and within the same sub-basin, which is the preferred method of mitigation by the City of Gainesville.

- i. The extent to which the development furthers the goals of the comprehensive plan, and the proximity of the development to existing infrastructure.
RESPONSE: The development plan, including the current phase was master planned in 1980. Unit 5, Phases 2 and 3 are contiguous with the

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previous phases, and access to the new development is gained from existing roads.

- f) *Mitigation*. This section applies to development activities in wetlands, which cannot be avoided or minimized, as determined by the criteria stated herein. Mitigation means an action or series of actions to offset the adverse impacts that would otherwise cause a regulated activity to fail to meet the criteria set forth herein.
1. Types of mitigation; mitigation ratios. Mitigation consists of creation, preservation, enhancement, restoration, or a combination thereof in accordance with the ratios and preferences set forth in Chapter 62-345, F.A.C. (Uniform Mitigation Assessment Method).
 - a. Preservation means the protection of wetlands, other surface waters or uplands from adverse impacts by placing a conservation easement or other comparable land use restriction over the property, in favor of the governmental entity with the appropriate jurisdiction.
 - b. Enhancement is an improvement in wetland function.
 - c. Restoration means converting existing wetlands, surface waters or uplands from a disturbed or altered condition to a previously existing natural condition to the maximum extent possible.
 - d. Creation means the establishment of new wetlands or surface waters by conversion of other landforms. Wetland creation is the least acceptable mitigation alternative and shall be considered only when preservation, restoration or enhancement within the sub-basin, basin or adjacent basin are infeasible at the ratios provided and when the owner can demonstrate that the proper hydrology and geology exist to make a created wetland sustainable.

RESPONSE: The Uniform Mitigation Assessment Method (UMAM) was adopted by the State of Florida in February 2002, and addresses the appropriate amount of mitigation required to compensate for proposed wetland impacts. The UMAM was approved by SRWMD, therefore the mitigation is deemed appropriate for the impacts. Mitigation for secondary impacts to Wetland B was not required by SRWMD. Compensation for potential secondary impacts is provided as previously discussed, and is depicted on Drawing 8. The mitigation UMAM values were revised and provided in the August 14, 2006 re-submittal package as previously discussed and further revised to reflect the impact minimization (Exhibit 2).

2. Location of mitigation. Any mitigation required pursuant to this section shall be performed within the basins and sub-basins described below, and may be performed on-site. These basins and sub-basins shall be specifically delineated on a map in the data and analysis section of the conservation, open space and groundwater recharge element of the comprehensive plan. Sub-basins include but are not limited to those drainage units within basins described below and as determined by the city manager or designee.

RESPONSE: The proposed mitigation area is on-site as preferred by the City of Gainesville; items 3, 4, 5, and 6 below are not applicable. See Permit Drawing 3 for the location of the mitigation area.

3. *Order of mitigation preference*. The order of preference for the location of the mitigation area in relation to the impacted area is as follows:
 4. In the same sub-basin;
 5. In the same basin;
 6. In another listed basin.

The appropriate reviewing board or city manager or designee, in writing, may approve a deviation from this order of preference if greater ecological benefits would be achieved with another order.

- g) *Mitigation plan.* Owners shall submit to the city manager or designee detailed plans describing proposed construction, establishment, and management of mitigation areas. These plans shall include the following information, as appropriate for the type of mitigation proposed by the owner:
1. A soils map of the mitigation area and other soils information pertinent to the specific mitigation actions proposed; See Figure 2.
 2. A topographic map of the mitigation area and adjacent hydrologic contributing and receiving areas; See Permit Drawing 2 and Figure 3.
 3. A hydrologic features map of the mitigation area and adjacent hydrologic contributing and receiving areas; See Permit Drawing 2.
 4. A description of current hydrologic conditions affecting the mitigation area; See Item 15 below.
 5. A map of plant communities in and around the mitigation area, including buffer areas; See Permit Drawings 4 and 5.
 6. Construction drawings detailing proposed topographic alterations and all structural components associated with proposed activities; See Permit Drawings 2 and 7.
 7. Proposed construction activities, including a detailed schedule for implementation; See Permit Drawings, 2, 3, and 7.
 8. Vegetation planting scheme and schedule for implementation, if planting is proposed; See Permit Drawings 3 and 7.
 9. Sources of plants and soils used in wetland creation; Materials will be provided by an experienced and licensed contractor, Aquatic Weed Control, Inc.
 10. Measures to be implemented during and after construction to avoid adverse impacts related to proposed activities; Sediment and erosion control measures will be taken to avoid adverse impacts during construction. See Permit Drawings 3 and 7 for details.
 11. A management plan comprising all aspects of operation and maintenance, including water management practices, plant establishment, exotic and nuisance species control, fire management, and control of access; Water management practices are not needed since the mitigation area is being developed within the influence of the surficial aquifer. Additionally, surface water runoff from surrounding areas will also aid in the establishment of the mitigation area. Maintenance to control exotic and nuisance species will be conducted quarterly for Year 1, semi-annually for Years 2 and 3 and annually for Years 4 and 5. Types of maintenance include the application of herbicides by licensed contractors including wicker application and hand clearing. No fire management is required due to the proximity to residential development.
 12. A proposed monitoring plan to demonstrate mitigation success; A three to five-year monitoring plan for Mitigation Areas 1 and 2 will include the monitoring of water levels and quality, vegetation and the control of exotic and invasive species. Annual monitoring reports will be submitted to record the type and coverage of vegetation, survivorship of planted material, water levels and quality, wildlife observations and a description of mitigating activities undertaken by the owner or an agent. Vegetation composition and coverage will be monitored by recording the dominant tree, shrubs and herbaceous species and estimated areal coverage. Color photographs will be taken during each monitoring event at the

designated photo stations. A baseline-monitoring event will be conducted to establish the existing conditions and will be used as the comparison for the subsequent annual monitoring events. The data will be presented along with photographs in a baseline monitoring report and submitted. The body of the monitoring report will include an executive summary, a table of contents and a map of the site.

To accomplish monitoring, transects for vegetation sampling, photo stations, piezometers and staff gauges will be installed. Upon completion of planting, the quantities and species will be reported in the first monitoring report and survivorship will be reported in future reports.

13. A description of the activities proposed to control exotic and nuisance species should these become established in the mitigation area. The mitigation proposal shall include reasonable measures to assure that these species do not invade the mitigation area in such numbers as to affect the likelihood of success of the project;
14. A description of anticipated site conditions in and around the mitigation area after the mitigation plan is successfully implemented; See item 15 below.
15. A comparison of current fish and wildlife habitat to expected habitat after the mitigation plan is successfully implemented; and

EXISTING CONDITION OF IMPACT AREA

Wetland A has a canopy comprised primarily of swamp chestnut (*Quercus michauxii*), loblolly pine (*Pinus taeda*), water oak (*Quercus nigra*), red maple (*Acer rubrum*) and sweet gum (*Liquidambar styraciflua*). The dominant shrub component is fetterbush (*Lyonia lucida*) and dominant ground cover is Virginia chain fern (*Woodwardia virginica*). Wetland B has a canopy comprised primarily of tupelo gum (*Nyssa sylvatica* var. *biflora*), sweetbay (*Magnolia virginiana*), sweet gum (*Liquidambar styraciflua*) and red maple (*Acer rubrum*). The dominant shrub component is buttonbush (*Cephalanthus occidentalis*) and dominant ground cover is netted chain fern (*Woodwardia areolata*).

Historically these wetlands extended westward into the neighboring property to the west but Wetland B has become isolated by the construction of a fence and a dirt roadway dividing the Blues Creek property from the property owned by IFAS.

EXISTING CONDITION OF ON-SITE MITIGATION AREAS

The on-site wetland mitigation areas are shown on Permit Drawing 3. Mitigation Area 1 is located south of the proposed road adjacent to wetlands that are hydrologically connected to Blues Creek. The mitigation area appears to have been man made and was created as part of past logging operations.

Mitigation Area 1 is comprised of smart weed (*Polygonum hydropiperoides*), dog-fennel (*Eupatorium capillifolium*), mallow (*Hibiscus* spp.), lizard's tail (*Saururus cernuus*) and soft rush (*Juncus effuses*), willow (*Salix caroliniana*), Chinese tallow (*Sapium sebiferum*), wax myrtle (*Myrica cerifera*), water oak (*Quercus nigra*), red maple (*Acer rubrum*), slash pine (*Pinus elliotii*) and willow (*Salix caroliniana*).

A man-made ditch extends east from a low-point at the south edge of the system. The ditch extends approximately 650 feet eastward through the floodplain and eventually connects the mitigation area to the main channel of Blues Creek. The ditch is approximately 10 feet wide with small red maples and some water oak and

swamp chestnut oak growing along the edges and in the interior. The area has been hydrologically altered and isolated from the Blues Creek by past logging operations.

Mitigation Area 2 is located south of Mitigation Area 1 and totals 1.22 acres (Photo 8). This area is also an upland comprised of water oak (*Quercus nigra*), sweetgum (*Liquidambar styraciflua*), pignut hickory (*Carya glabra*), occasional magnolia (*Magnolia grandiflora*), gallberry (*Ilex glabra*), sand-live oak (*Quercus geminata*), saw palmetto (*Serenoa repens*), fetterbush (*Lyonia lucida*), and bracken fern (*Pteridium aquilinum*).

PROPOSED CONDITION OF ON-SITE MITIGATION AREA

Mitigation Area 1 will be recontoured and all of the existing exotic vegetation will be removed. In its place native wetland vegetation consisting of soft rush (*Juncus effuses*), buttonbush (*Cephalanthus occidentalis*), wax myrtle (*Myrica cerifera*), red maple (*Acer rubrum*), lizard's tail (*Saururus cernuus*), spruce pine (*Pinus glabra*), loblolly pine (*Pinus taeda*), swamp chestnut oak (*Quercus michauxii*) and bald cypress (*Taxodium distichum*) will be planted. In addition to the recontouring and replanting, a conveyance system will be constructed leading from Mitigation Area 1 to Blues Creek. The conveyance area will allow for discharges in excess of the seasonal high water (SHW) elevation to meander towards the creek (Permit Drawing 3). The conveyance is necessary due to the fact that the ditch is not currently functioning and it will be restored to a more natural system.

Mitigation Area 2 will be created by excavating the existing uplands and creating a connection between the area and Mitigation Area 1. Area 2 will be planted with native vegetation consisting of buttonbush (*Cephalanthus occidentalis*), lizard's tail (*Saururus cernuus*), soft rush (*Juncus effuses*), Virginia willow (*Itea virginica*), wax myrtle (*Myrica cerifera*), dahoon holly (*Ilex cassine*), swamp tupelo (*Nyssa sylvatica* var. *biflora*), sweetbay (*Magnolia virginiana*), spruce pine (*Pinus glabra*), bald cypress (*Taxodium distichum*), and red maple (*Acer rubrum*).

Mitigation Area 2 will be a marsh system, not an open water system as suggested by Alachua County Environmental Protection Department. As shown on Permit Drawing 7, the bottom elevation will be 154' while the SHWE is 156.5'. The system will be inundated with approximately 2.5' of water during the wet season and dry during parts of the year. If the applicant proposed an open water system, the bottom elevation would be less than 146'.

16. An itemized estimate of the cost of implementing mitigation, if applicable, as set forth herein. See Exhibit 4.

- h) *Monitoring requirements for mitigation areas.* The owner shall monitor the progress of mitigation areas until success can be demonstrated as provided herein. Monitoring parameters, methods, schedules, and reporting requirements shall be specified as conditions within the appropriate permit. At a minimum, the owner shall transmit to the city manager or designee monitoring reports certified by an environmental scientist, biologist, registered engineer or registered landscape architect. These reports shall be submitted no less frequently than every 12 months for at least three years, except as provided herein. At a minimum, the monitoring reports shall include the following:

1. An executive summary;

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2. A table of contents;
3. A map of the site;
4. Color photographs of the site and its important features;
5. A description and analysis of water levels;
6. A description and analysis of water quality;
7. A description and analysis of the amount and types of nuisance and exotic plants;
8. A description and analysis of the amount and types of intended and native plants;
9. The survival rates of installed plants;
10. Wildlife observations; and
11. A description of mitigating activities by owner or agent.

Pursuant to the requirements of the comprehensive plan, regulatory fees for mitigation plan review and mitigation plan implementation shall be borne by the owner. Similar reporting to and review by the water management district shall be acceptable in lieu of this review.

RESPONSE to Items 1-11: Monitoring is required as a condition of the ERP and will be performed and submitted in accordance with the regulations as outlined in this section of the LDC.

- i) *Protection of mitigation areas.* The owner shall propose and be responsible for implementing methods to assure that mitigation areas will not be adversely impacted by incidental encroachment or secondary activities which might compromise mitigation success.

RESPONSE: For protection of the wetlands, buffers and mitigation area, the boundaries will be monumented and deed restrictions will be placed upon them. The recommended deed restriction language is as follows:

The owner of any real property covered by the restrictions shall refrain from obstructing the natural drainage of the real property herein and shall keep any natural drainage ways as may exist on said real property clear so as not to interfere with drainage plans approved by the Suwannee River Water Management (hereafter "SRWMD"). No activity of any type shall be conducted within any area described as a wetland (as defined in 373.019(22), Fla. Stat. (2003) and other related definitions set forth in 40B-400.021, F.A.C. (2003)) on the Blues Creek Unit 5, Phases 2 and 3 plan. Furthermore, the owner of any real property covered by these restrictions shall refrain from any activity inconsistent with the permit and/or easement issued by the SRWMD, including but not limited to (1) constructing or placing buildings roads, signs, billboards or other advertising, utilities or other structures on or above any area described as a wetland (as defined in 373.019(22), Fla. Stat. (2003) and other related definitions set forth in 40B-400.021, F.A.C. (2003)) on the Blues Creek Unit 5, Phases 2 and 3 plan; (2) Dumping or placing soil or other substances or material as land fill or dumping or placing or trash, waste or unsightly or offensive materials on or above any area described as a wetland (as defined in 373.019(22), Fla. Stat. (2003) and other related definitions set forth in 40B-400.021, F.A.C. (2003)) on the Blues Creek Unit 5, Phases 2 and 3 plan; (3) Removing or destroying any trees, shrubs or other vegetation on or above and area described as a wetland (as defined in 373.019(22), Fla. Stat. (2003) and other related definitions set forth in 40B-400.021, F.A.C. (2003)) on the Blues Creek Unit 5, Phases 2 and 3 plan; (4) Excavating, dredging or removing loam, peat, gravel, soil rock or other material substances in such a manner as to effect any area described as a wetland (as defined in 373.019(22), Fla. Stat. (2003) and other related definitions set forth in 40B-400.021, F.A.C. (2003)) on the Blues Creek Unit 5, Phases 2 and 3 plan; (5) Activities detrimental to drainage, flood control, water conservation, or fish and wildlife

habitat preservation of any area described as a wetland (as defined in 373.019(22), Fla. Stat. (2003) and other related definitions set forth in 40B-400.021, F.A.C. (2003)) on the Blues Creek Unit 5, Phases 2 and 3 plan; and (6) Acts or uses detrimental to the retention of any area described as a wetland (as defined in 373.019(22), Fla. Stat. (2003) and other related definitions set forth in 40B-400.021, F.A.C. (2003)) on the Blues Creek Unit 5, Phases 2 and 3 plan.

In addition to any available administration remedies, the SRWMD shall retain the right to institute a civil action on any Court of Competent jurisdiction to enforce these restrictions in an action at law or in equity. The prevailing party in any administrative or other civil action shall be entitled to an award of reasonable attorney's fee and cost.

- j) *Mitigation success.* After three years of monitoring, the owner shall provide to the city manager or designee a written certification by an environmental scientist, biologist or registered engineer or registered landscape architect that the mitigation meets applicable success criteria as described below. If certification of success is not submitted or is not approved by the city manager or designee, then monitoring shall continue and monitoring reports shall be submitted until the city manager or designee deems the mitigation successful.

Mitigation success criteria. Mitigation success will be measured in terms of whether the objectives of the mitigation are realized. The success criteria to be included in permit conditions will specify the minimum requirements necessary to attain a determination of success. The city manager or designee shall deem the mitigation successful when all applicable water quality standards are met, the mitigation area has achieved viable and sustainable ecological and hydrological functions, and the specific success criteria contained in the permit are met. If success is not achieved within the time frame specified within the permit, remedial measures shall be required. Monitoring and maintenance requirements shall remain in effect until success is achieved.

RESPONSE: Demonstration of the success criteria is required by the ERP, prior to release of the mitigation area. This will also be documented for the City of Gainesville in accordance with the regulations as outlined in this section of the LDC. The mitigation area will be deemed successful when the following conditions have been met:

- Coverage by native vegetation within the wetland and buffer have achieved 85% coverage by desirable vegetation and exotic and invasive vegetation has been maintained under 5% for one year with no maintenance activities required.
- Planted vegetation will maintain an 85% survivorship through the end of year three and continue through year five if further monitoring is necessary.
- Hydrological improvements result in water levels within the wetland enhancement area maintaining the desired SHWE or monitoring results reflect that an appropriate hydroperiod has been established and maintained to provide the expected wetland function.

It is anticipated that the success criteria will be met or exceeded by the end of year three. If the criteria have not been met by the end of three years, monitoring and maintenance will continue for another two years or until the success criteria has been met. The time lag figure incorporated into the mitigation determination using UMAM is 6-10 years.

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k) *Financial assurances.* As part of compliance with this section, the owner shall provide proof of financial assurance when (1) conducting the mitigation activities; (2) conducting any necessary management of the mitigation site; (3) conducting monitoring of the mitigation; and (4) conducting any necessary corrective action indicated by the monitoring.

1. *Cost estimates.* The amount of financial assurance provided by the owner shall be an amount equal to 120 percent of the cost estimate for each phase of the mitigation plan. For the purposes of determining the amount of financial assurance that is required by this subsection, the owner shall submit a detailed written estimate, in current dollars, of the total cost of conducting the mitigation, including any maintenance and monitoring activities, and the owner shall comply with the following:

- a. The cost estimate for conducting the mitigation and monitoring shall include all associated costs for each phase thereof, including earthmoving, planting, structure installation, maintaining and operating any structures, controlling nuisance or exotic species, fire management, consultant fees, monitoring activities and reports.
- b. The owner shall submit the estimates, together with comprehensive and verifiable documentation, to the city manager or designee along with the draft of the financial assurance.

The costs shall be estimated based upon a qualified third party performing the work and supplying services and materials at fair market value. All cost estimates shall be supported by comprehensive and verifiable documentation.

RESPONSE: Financial assurance and responsibility for 120% of the estimated mitigation cost will be provided, as required by the LDC, at the time of platting. A cost estimate to implement the mitigation plan is provided as Exhibit 4.

2. *Financial responsibility assurances.* Financial responsibility for the mitigation, monitoring, and corrective action for each phase of the project may be established by any of the following methods, at the discretion of the owner:

- a. **Bond.** A performance bond shall be filed with the city manager or designee which is executed by a surety company authorized to do business in the state with a rating of not lower or less than A-XII as rated by A.M. Best Company, Inc., an independent national rating service for performance companies, which bond shall be conditioned to secure the required mitigation, monitoring, and corrective action in a satisfactory manner within 12 months from final plat approval and any extension of such period approved by the city commission, or, in the case of development (site) plan review, prior to final development plan approval. The bond shall be enforceable by and payable to the city in a sum at least equal to 120 percent of the total cost of the required mitigation, monitoring, and corrective action as estimated by the project engineer and verified and approved by the city manager or designee. The bond shall be first approved by the city attorney as to form and legality prior to its submission with the proposed final plat to the city commission for approval and shall be executed by both the owner and the party or parties with whom the owner has contracted to perform the required mitigation, monitoring, and corrective action. In the case of development (site) plan review, the bond shall be first approved by the city attorney as to form and legality prior to submission of the proposed final development plan to the appropriate reviewing entity (board or city manager or designee) and shall be executed by the developer and the party or parties with whom the developer has

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- contracted to perform the required mitigation, monitoring, and corrective action; or
- b. Irrevocable letter of credit. Deposit with the city manager or designee an irrevocable and unconditional letter of credit by a Florida bank that has authority to issue letters of credit and whose letter of credit operations are regulated and examined by a federal or state agency. The letter of credit shall be for an amount equal to 120 percent of the estimated costs of the required mitigation, monitoring, and corrective action. The letter of credit shall remain with the city as a valid letter of credit until the city is satisfied that all of the required mitigation, monitoring, and corrective action has been completed in accordance with plans and specifications, that mitigation success as provided herein has been achieved, and that all other provisions of this chapter relating thereto have been fully complied with; or
 - c. An insurance certificate from a company authorized to do business in the state and which has a rating of not lower or less than A-XII as rated by A.M. Best Company, Inc. The insurance certificate and its associated insurance policy shall be reviewed and approved by the city manager or designee before the city can accept the certificate as a financial responsibility assurance to secure the mitigation, monitoring and corrective action. The insurance certificate shall name the city named as an additional insured and shall provide not less than 30 days notice to the city of cancellation; or
 - d. A cash deposit in an amount equal to 120 percent of the estimated costs of the required mitigation, monitoring, and corrective action. The cash deposit shall remain with the city until the city is satisfied that all of the required mitigation, monitoring, and corrective action has been completed in accordance with plans and specifications, that mitigation success as provided herein has been achieved, and that all other provisions of this chapter relating thereto have been fully complied with.

RESPONSE: The developer will provide an acceptable form of financial assurance as described above upon project approval.

3. *Owners not subject to financial assurance requirements.* Owners whose mitigation is deemed successful pursuant to the mitigation success criteria provided herein prior to undertaking the construction activities authorized under their permit, or owners who purchase credits in a mitigation bank to offset the adverse impacts as required herein, are not subject to the financial assurance requirements of this section. *N/A*
4. *General terms for financial assurances.* In addition to the specific provisions regarding financial assurances set forth herein, the following shall be complied with:
 - a. The city attorney shall approve the form and content of all financial assurances prior to the commencement date of the activity authorized by the permit.
 - b. The financial assurance(s) shall name the city as sole beneficiary or shall be payable solely to the city. If the financial assurance is of a type that is retained by the beneficiary according to industry standards, the city shall retain the original financial assurance. For mitigation projects required both by the city and the water management district, the financial assurance(s) shall name the city and the water management district as joint beneficiaries or shall be payable to the city and the water management district jointly,

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- unless the city and the water management district establish an alternative arrangement in writing with respect to the designated beneficiary or payee.
- c. The financial assurances shall be effective on or prior to the date that the activity authorized by the permit commences and shall continue to be effective through the date of notification of final release by the city, which shall occur within 30 days of the determination that the mitigation is successful.
 - d. The financial assurances cannot be revoked, terminated, or canceled without the owner first providing an alternative financial assurance that meets the requirements of this code. Once the owner receives actual or constructive notice of revocation, termination, or cancellation of a financial assurance or other actual or constructive notice of cancellation, the owner shall provide such an alternate financial assurance prior to expiration of the financial assurance.
5. *Financial assurance conditions.* For owners subject to the financial assurance requirements of this section, the city manager or designee will include the following conditions in the permit:
- a. An owner shall notify the city attorney by certified mail of the commencement of a voluntary or involuntary proceeding under Title XI (Bankruptcy), U.S. Code naming the permittee as debtor within ten business days of the owner filing of the petition.
 - b. An owner who fulfills the requirements of this section by obtaining a letter of credit or bond will be deemed to be without the required financial assurance in the event of bankruptcy, insolvency or suspension or revocation of the license or charter of the issuing institution. The owner shall reestablish a financial assurance in accordance with this section within 60 days after such event.
 - c. When transferring a permit, the new owner or person with legal control shall submit documentation to satisfy the financial assurance requirements of this section. The prior owner or person with legal control of the project shall continue financial assurance until the city manager or designee has approved the permit transfer and substitute financial assurance.
6. *Releases.*
- a. *Partial releases.* The owner may request the city attorney to release portions of the financial assurance as phases of the mitigation plan, such as earth moving or other construction activities for which cost estimates were submitted in accordance with this section, are successfully completed. The request shall be in writing and include documentation that the phase or phases have been completed and have been paid for, or will be paid for, upon release of the applicable portion of the financial assurance. The city attorney shall authorize the release of the portion requested upon verification that the construction or activities has been completed in accordance with the mitigation plan.
 - b. *Final release.* Within 30 days of successful mitigation, as determined by the city manager or designee and based on the criteria stated herein, the city shall notify the owner and shall authorize the return and release of all funds held or give written authorization to the appropriate party of the cancellation or termination of the financial assurance.

RESPONSE: The developer notes that financial assurance must adhere to the conditions stated in 4, 5, and 6 above.

- l) *Application procedure.* An owner seeking a permit for a development activity in an area containing wetlands shall adhere to the application procedure set forth in Chapter 30, Article VII, Development Review Process, of the Gainesville Code of Ordinances.
- m) *Density transfers.* The provisions of Chapter 30, Gainesville Code of Ordinances, relevant to onsite transfer of development intensity and density, shall apply to the transfer of intensity and density of developments within or in an area containing wetlands. N/A
- n) *Waivers and exceptions; appeals.* The wetlands protection regulations do not apply to owners and applications exempted pursuant to section 30-304. Owners may use the appeals process set forth in section 30-352.1 to appeal the denial of a permit under the wetlands protection regulations. N/A

(Ord. No. 020461, § 6, 4-12-04)

CONCLUSION

This document along with the site plan documents submitted by the project engineer demonstrates compliance with the City's regulations for a planned development. Specifically, the SRWMD ERP, mitigation plan, and consistency with the LDC statements collectively provide the necessary assurance to City staff that the intent of Secs. 30-301 and 302 are being met, facilitating site plan approval.

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Exhibit 2:
Uniform Mitigation Assessment
Method (UMAM) Worksheets

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SERIALS ACQUISITION
300 N ZEEB RD
ANN ARBOR MI 48106

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PART I – Qualitative Description
(See Section 62-345.400, F.A.C.)

Site/Project Name Blues Creek		Application Number	Assessment Area Name or Number Wetland B Wetland & Buffer
FLUCCs code 615(FDOT1/99)	Further classification (optional) Bottomland Forest (FNAI 2/90)	Impact or Mitigation Site? Impact	Assessment Area Size 0.26
Basin/Watershed Name/Number Santa Fe River Hydrologic Basin	Affected Waterbody (Class) N/A	Special Classification (i.e. OFW, AP, other local/state/federal designation of importance) N/A	
Geographic relationship to and hydrologic connection with wetlands, other surface water, uplands Flows east and south during high water periods and connected off-site to west, drainage conveyance connection to headwaters of tributary of Blues Creek east.			
Assessment area description mixed wetland swamp with possible sink feature			
Significant nearby features Blues Creek		Uniqueness (considering the relative rarity in relation to the regional) Not unique.	
Functions Provides cover and refuge for wildlife. Has nesting/denning habitat. Water quality filtration. Provides various amphibian support functions.		Mitigation for previous permit/other historic use N/A	
Anticipated Wildlife Utilization Based on Literature Review (List of species that are representative of the assessment area and reasonably expected to)		Anticipated Utilization by Listed Species (List species, their legal classification (E, T, SSC), type of use, and intensity of use of the)	
Salamanders, skink, snakes, hawk, turkey, owl, woodpeckers, opossum, squirrel, raccoon, fox, bobcat, deer		None expected	
Observed Evidence of Wildlife Utilization (List species directly observed, or other signs such as tracks, droppings, casings, nests, etc.): Cottonmouth, deer, hawk, raccoon, pileated woodpecker, frogs, turkey in upland, songbirds, numerous nests and foraging evidence, and small burrows/dens			
Additional relevant factors:			
Assessment conducted by: S. Powell/ T. Garcia		Assessment date(s): 3/3/2004	

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PART II – Quantification of Assessment Area (impact or mitigation)
 (See Sections 62-345.500 and .600, F.A.C.)

Site/Project Name Blues Creek	Application Number	Assessment Area Name or Number Wetland B Wetland & Buffer
Impact or Mitigation Impact	Assessment conducted by: S. Powell/ T. Garcia	Assessment date: 3/3/2004

Scoring Guidance
The scoring of each indicator is based on what would be suitable for the type of wetland or surface water assessed

Optimal (10)	Moderate(7)	Minimal (4)	Not Present (0)
Condition is optimal and fully supports wetland/surface water functions	Condition is less than optimal, but sufficient to maintain most wetland/surface waterfunctions	Minimal level of support of wetland/surface water functions	Condition is insufficient to provide wetland/surface water functions

.500(6)(a) Location and Landscape Support w/o pres or current with <table border="1"> <tr> <td>8</td> <td>0</td> </tr> </table>	8	0	Fence on western property boundary surrounding development, but wetland adequately buffered.
8	0		
.500(6)(b)Water Environment (n/a for uplands) w/o pres or current with <table border="1"> <tr> <td>8</td> <td>0</td> </tr> </table>	8	0	Hydroperiod is appropriate. Evidence of staging up during wet season and storm events. Water pools in what appears to be a sink feature. Pooled areas provide support for aquatic species.
8	0		
.500(6)(c)Community structure 1. Vegetation and/or 2. Benthic Community w/o pres or current with <table border="1"> <tr> <td>8</td> <td>0</td> </tr> </table>	8	0	Vegetation composition is appropriate, but lack of fire is causing disturbed transitional zone. Hummocks, deadfalls and snags provide wildlife habitat. Some forage species present such as Quercus vacinnium and Acer species.
8	0		

Score = sum of above scores/30 (if uplands, divide by 20)
current with
or w/o pres with
0.80 0

If preservation as mitigation,	
Preservation adjustment factor =	N/A
Adjusted mitigation delta =	

For impact assessment areas	
FL = delta x acres =	0.21

Delta = [with-current]
0.80

If mitigation	
Time lag (t-factor) =	
Risk factor =	

For mitigation assessment areas	
RFG = delta/(t-factor x risk) =	

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**Mitigation Determination Formulas
(See Section 62-345.600(3), F.A.C.)**

For each impact assessment area:

(FL) Functional Loss=Impact Delta X Impact acres

For each mitigation assessment area:

(RFG) Relative Functional Gain=Mitigation Delta (adjusted for preservation, if applicable)/(t-factor)(risk)

(a) Mitigation Bank Credit Determination

The total potential credits for a mitigation bank is the sum of the credits for each assessment area where assessment area credits equal the RFG times the acres of the assessment area scored.

Bank Assessment Area	RFG	X	Acres	=	Credits
Example					
a.a.1					
a.a.2					
total					

(b) Mitigation needed to offset impacts, when using a mitigation bank

The number of mitigation bank credits needed, when the bank or regional offsite mitigation area is assessed in accordance with this rule, is equal to the summation of the calculated functional loss for each impact assessment area.

Impact Assessment Area	FL	=	Credits Needed
Example			
a.a.1			
a.a.2			
total			

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(c) Mitigation needed to offset impacts, when not using a bank

To determine the acres of mitigation needed to offset impacts when not using a bank or a regional offsite mitigation area as mitigation, divide functional loss (FL) by relative functional gain (RFG). If there are more than one impact assessment area or more than one mitigation assessment area, the total functional loss and total relative functional gain is determined by summation of the functional loss (FL) and the relative functional gain (RFG) for each assessment area.

	FL	/	RFG	=	Acres of Mitigation
M1 (.52 ac) for impact to WA	0.02		0.071		0.28
M2 (1.22 ac) for impact to WB Buffers	0.21		0.305		0.69
TOTAL					0.97

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**Permit Drawing 2:
Lot Layout and Wetland Impacts**

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**Permit Drawing 5:
Post-Development FLUCFCS**

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**Permit Drawing 8:
Mitigation for Secondary Impacts**

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