



**ENVIRONMENTAL
 SERVICES, INC.**

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Preliminary Wetlands
Nettles/SR 26
 Alachua County, Florida

Project: EJ09152.00

Date: Dec. 2009

Drwn/Chkd: PG/JRN

Figure: 1

ENVIRONMENTAL SERVICES, INC.

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10 December 2009

Five Masters
c/o Ms. Bobbi Nettles
Post Office Box 14545
North Palm Beach, Florida 33408

RE: SR 26 Property
Alachua County, Florida
Parcel Number 18817-000-000

Dear Bobbi:

Environmental Services, Inc., (ESI) has completed a preliminary wetland assessment for the above-referenced parcel. The purpose of our investigation was to assess the potential presence of jurisdictional wetlands in accordance with the current methodologies of the U.S. Army Corps of Engineers (ACOE) and the St. Johns River Water Management District (SJRWMD).

The parcel totals approximately ± 5.56 acres and is located southeast of the intersection of US 301 and State Road 26 in Alachua County, Florida (Figure 1). After reviewing topographic maps, soil survey information, and color infrared aerial photographs of the parcel, an ESI biologist inspected the parcel on 20 November 2009 and estimated the extent of the on-site jurisdictional wetlands. The following report summarizes our interpretation of the status of the parcel.

The state and federal government define wetlands as "those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation that is typically adapted for life in saturated soil conditions." Criteria that make up a jurisdictional wetland include hydrophytic vegetation (wetland plants), hydric soils, and evidence of hydrology. ACOE requires all three criteria, while the state agencies [Florida Department of Environmental Protection (FDEP) and SJRWMD] require only two of the three criteria.

The on-site jurisdictional wetlands reflected on Figure 1 are potentially regulated by ACOE, SJRWMD, and FDEP. ACOE exerts jurisdiction over and regulates "waters of the United States" (*i.e.* wetlands, rivers, bays, estuaries, etc.) pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act. ACOE is responsible for permitting activities that involve impacts to federally regulated wetlands. Currently, ACOE does not exert jurisdiction over certain isolated wetlands. FDEP and SJRWMD regulate "waters of the State" pursuant to the Chapter 62-312 of the Florida Statutes. FDEP is responsible for permitting industries, landfills, marinas, and other large-scale projects. They also permit single-family lots of any size. SJRWMD issues permits for all other commercial and residential developments.

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Based on our professional interpretation of the on-site conditions, the parcel contains approximately =5.04 acres of uplands and =0.52 acre of jurisdictional wetlands. The upland and wetland communities were classified using the Florida Land Use, Cover and Forms Classification System (FLUCFCS) [Florida Department of Transportation (FDOT), State Topographic Bureau, Thematic Mapping Section, 1999]. The on-site communities are as follows:

425 – Temperate Hardwoods (5.04 ac. ±): This is the dominant community found on-site and encompasses the entire property outside of the northeast section of the parcel. The canopy of this community primarily consists of red maple (*Acer rubrum*), sweetgum (*Liquidambar styraciflua*), laurel oak (*Quercus laurifolia*), and water oak (*Q. nigra*). The understory is dominated by saw palmetto (*Serenoa repens*), wax myrtle (*Myrica cerifera*), gallberry (*Ilex glabra*) and muscadine grapevine (*Vitis rotundifolia*), along with immature red cedar (*Juniperus virginiana*) and southern magnolia (*Magnolia grandiflora*).

615 – Stream and Lake Swamps (0.52 ac. ±): Similar to the upland community, the canopy of this wetland is comprised of red maple, sweetgum, laurel oak, and water oak. The understory contains immature saplings of the listed canopy species. The herbaceous layer consists of cinnamon fern (*Osmunda cinnamomea*), Virginia chain fern (*Woodwardia virginica*), and southern cut grass (*Leersia hexandra*).

Despite the canopy of the uplands being comprised of tree species typically associated with wetland communities, this area has been determined to not be jurisdictional to any of the regulatory agencies. It is the opinion of ESI that this area was a wetland community at one time, however the hydrology has been significantly altered by a ditch that runs northeast and drains the site. As previously noted, the site was investigated on 20 November 2009 and it was determined at that time that the soils in this area were non-hydric, and no indications of wetland hydrology were observed in the area. The effects of the drainage of this area are further evidenced by the presence of upland specific plant and tree species re-colonizing the understory, including red cedar and southern magnolia.

It is the opinion of ESI that from an ecological perspective, the site has high development potential. Jurisdictional wetlands only comprise 9.3 percent of the property, and are all located in the northeastern corner of the parcel. The site can likely be developed without impacts to any of the on-site wetlands, however if impacts are determined to be necessary, those impacts will require permits from ACOE and SJRWMD/FDEP.

If impacts will be necessary, the applicant must demonstrate avoidance and minimization of wetland impacts, provide justification and adequate mitigation for the unavoidable impacts, and provide upland buffers to remaining contiguous wetlands. Mitigation is typically required for impacts to jurisdictional wetlands. Mitigation is a way of compensating for impacts to jurisdictional wetlands, and it can be in the form of wetland preservation, wetland creation, wetland restoration, wetland enhancement, upland preservation (SJRWMD only), purchasing mitigation credits from an approved mitigation bank, or a combination of any of these. Any remaining on-site wetlands could likely be preserved as mitigation for certain permissible impacts.

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Permitting with SJRWMD usually takes five to six months, depending on their backlog and the complexity of the site plan. An Environmental Resource Permit (ERP) will be required from SJRWMD for impacts to any of the on-site wetlands. ACOE will require a Nationwide Permit (NWP), a Regional General Permit (RGP) or an Individual Permit (IP) depending upon the extent of the necessary impacts. Nationwide Permits are "activity specific" and require that the applicant's project meet certain criteria. ACOE typically processes a NWP in three to six months. Regional General Permits (RGP) are "location specific" and require that the applicant's project meet certain criteria regarding surrounding land development. A RGP allows a maximum of 3 acres of impact while meeting specified criteria and can be processed in three to six months. An Individual Permit can take 12 to 18 months or more to complete.

Again, the wetlands-to-uplands ratio, as well as the overall location of the wetlands in relation to other land features (i.e. roadways), makes this land suitable for development. The process of permitting for impacts to wetlands located on-site may potentially be financially burdensome and time consuming. If you would like to continue the developmental process, ESI recommends that you have the wetland lines flagged and then surveyed by a registered surveyor. We also recommend that you apply for a Formal Wetland Jurisdictional Determination with both ACOE and SJRWMD if you do not plan on developing the property in the near future. This formal determination will set the wetland lines for a minimum of five years. Using the approved surveys, you can develop a site plan that will either minimize or avoid any wetland impacts. After a preliminary plan is developed, you should have a pre-application meeting with ACOE and SJRWMD in order to discuss the project. ESI would be pleased to assist you with any of these tasks if necessary.

We would be pleased to assist you in pursuing jurisdictional determinations and wetland/wildlife permits as necessary. Please contact me if you have any questions or comments.

Sincerely yours,

ENVIRONMENTAL SERVICES, INC.



Joseph L. Brinson
Senior Project Manager

Attachments

Preliminary Wetlands Map

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Pp(12)909f

This is an opinion report by Environmental Services, Inc. Our opinions are based upon our professional experience and are interpretations of the jurisdiction and subsequent implications of the referenced regulatory agency. Our findings are subject to modification upon review by regulatory agencies, and we recommend agency review of our work. This report is confidential between Environmental Services, Inc., and the addressee. It is not intended to be used with any submittal to any regulatory agency. Should permits be required for work within jurisdictional areas, Environmental Services, Inc., should participate in the permit application preparation and agency coordination. If necessary a separate opinion letter will be prepared for submittal with the permit application.