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9 October 2000

Mr. Gray Gordon, Vice President
Mr. Ozzie Morris, Vice President
Mr. Parker Keen, Land Manager
Cargill Fertilizer, Inc.
8813 Highway 41 South
Riverview, Florida 33569

RE: EPCHC Executive Director's Authorization for Wetland Impacts
ERP/LAL Application for Cargill Fertilizer, Inc. Gypstack Expansion
Consolidated Development Application Received 6 July 1999 (consisting of
Application Volumes 1a and 1b; Appendices Volumes 2 and 3; and Public
Involvement Volume 4)
Response to Consolidated Request for Additional Information Received 3
December 1999 (consisting of Response 1.0 and 2.0 Volume 5 and Appendices
Volume 5)
Property Folio Numbers (see Attachment A)
Sections 2, 10, 11, 14, and 15; Township 30 South; and Range 19 East

Dear Mr. Gordon:

The Executive Director of the Environmental Protection Commission of Hillsborough County (EPC) has granted authorization to Cargill Fertilizer, Inc. to impact wetlands pursuant to Chapter 1-11, Wetlands, Rules of the EPC, in order to construct a phosphogypsum stack (gypstack) expansion at the Riverview Phosphogypsum Processing facility for additional phosphogypsum storage capacity. Cargill Fertilizer, Inc. requested review of the proposed impacts to wetlands under the Ecosystem Management Team (EMT) permitting process as authorized by sections 403.075 and 403.752, Florida Statutes. The proposed 70 acre gypstack expansion will be constructed immediately south of and adjacent to an existing 564 acre active gypstack. The project is to be constructed in one phase over a period of thirty years with closure to take place in 2037. The thirty year lifespan of the gypstack expansion corresponds to Cargill Fertilizer, Inc.'s projected Florida phosphate ore reserves.

The gypstack expansion proposes impacts to approximately 53.9 acres of jurisdictional wetlands as follows:

- | | |
|--|------------------|
| 1. Archie Creek and associated hardwood wetlands | 12.7 acres |
| 2. Jurisdictional manmade ditches | 6.8 acres |
| 3. Borrow areas | 26.0 acres |
| 4. Abandoned aquaculture ponds | <u>8.4 acres</u> |
| | 53.9 acres |

Included within the approved wetland impacts are 17.9 acres of jurisdictional upland-cut ditches, aquaculture ponds, and scoured depressions. Pursuant to EPC's Executive Director Authorization 1996-1, the 17.9 acres of the upland-cut wetlands (includes all ditches and ponds of less than one acre in size) as described above can be filled or otherwise altered and not require wetland creation mitigation as compensation for their impact. As compensation for the balance of the 36.0 acres of jurisdictional wetlands to be impacted, Cargill Fertilizer, Inc. proposes to create 49.7 acres of forested and herbaceous wetlands, yielding a mitigation ratio of approximately 1.5 acres of wetland creation mitigation to 1.0 acres of wetland impacts (1.5:1.0). Table 1.0 below summarizes the proposed impacts and mitigation compensation.

Table 1.0

Wetland Association	Wetlands Types	Impact Acreage	EPC Mitigation Required
Archie Creek & Assoc. Hardwood Forested Wetlands	*Canals	3.0	11.1
	*Inland Ponds & Sloughs	1.5	
	*Mixed Wetland Hardwoods	8.2	
Jurisdictional Ditches	Manmade Upland and Wetland Cut	6.8	0.0
Borrow Areas		26.0	24.9
Aquaculture Ponds		8.4	0.0
Total Acres		53.9	36.0

The wetland creation mitigation, as proposed, satisfies EPC Chapter 1-11.08 compensation requirements and is not considered to be a part of Cargill Fertilizer, Inc.'s proposed Net Ecosystem Benefits (NEBs). Net Ecosystem Benefits are additional, voluntary projects proposed by the applicant and further developed during the Ecosystem Management Team permitting process. These NEB projects are provided above and beyond mitigation compensation required in traditional permitting processes that include, but are not limited to: ecosystem creation, restoration, enhancement, and preservation; education; enhanced land management practices; expedited installation of best management practices (BMPs) for pollution control and/or amelioration; and so forth. Those NEBs proposed by Cargill Fertilizer, Inc. and deemed to be acceptable by the Wetlands Management Division of the Environmental Protection Commission of

Hillsborough County are listed and described in greater detail in **Specific Condition Number 11** of this Executive Director's Authorization.

Although not necessary to satisfy EPC's wetland impact mitigation compensation requirements, Cargill Fertilizer, Inc. will also be providing enhancement and preservation of onsite wetlands and uplands. Approximately 30 acres of wetlands not proposed to be impacted, consisting of inland ponds and sloughs, mixed hardwoods, freshwater marshes, estuarine marshes, wet prairies, borrow areas, aquaculture ponds, and Archie Creek North will be preserved, 17 acres of which will be enhanced. Uplands proposed to be enhanced and preserved include approximately 55 acres of improved pasture and hardwood forests.

This authorization to impact wetlands is conditioned upon the acceptance of the compliance with the following Regulatory General and Specific Limiting Conditions.

GENERAL LIMITING CONDITIONS:

1. All activities shall be implemented as set forth in the plans, specifications and performance criteria as approved by this authorization. Any deviation from the authorized activity and the conditions for undertaking that activity shall constitute a violation of this authorization.
2. This authorization or a copy thereof, complete with all conditions, attachments, exhibits, and modifications shall be kept at the project work site of the authorized activity. The complete authorization shall be available for review at the project work site upon request by EPC staff. The permittee shall require the contractor(s) to review the complete authorization prior to commencement of the activity(s) empowered by this authorization.
3. Activities approved by this authorization shall be conducted in a manner which does not cause violations of state water quality standards. The permittee shall implement best management practices for erosion/turbidity and pollution control plans to prevent violation of state water quality standards. Temporary erosion controls shall be implemented prior to and during construction and permanent control measures shall be completed within seven (7) days from the beginning of any construction activity.

Stabilization measures shall be initiated for erosion/turbidity 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 seven (7) days after the construction activity in that portion of the site has temporarily or permanently ceased.

Turbidity barriers shall be installed and maintained at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the permitted work. Turbidity barriers shall remain in place at all locations until construction is completed and soils are stabilized and vegetation has been established. Thereafter, the permittee shall be responsible for the removal of the

- barriers. The permittee shall correct any sedimentation or turbidity that causes adverse impacts to the water resources.
4. Water quality data for discharges off the permittee's property or into the surface waters of the state shall be submitted to the EPC as required by this authorization. Analyses shall be performed according to procedures outlined in the current edition of Standard Methods for the Examination of Water and Wastewater by the American Public Health Association or Methods for Chemical Analyses of Water And Wastes by the U.S. Environmental Protection Agency.
 5. EPC staff must be notified in advance of any proposed construction dewatering. If the dewatering activity is likely to result in offsite discharge or sediment/turbidity transport into wetlands or surface waters, a written dewatering plan must either have been submitted and approved with the application or submitted to the EPC as a modification to the original approval.
 6. Offsite discharges during construction and development shall be made only through the authorized facilities. Water discharged from the project shall be through structures having a mechanism suitable for regulating water level stages.
 7. All surface water management systems shall be operated to conserve water in order to maintain environmental quality and resource protection; to increase the efficiency of transport, application, and use; to decrease waste; to minimize unnatural runoff from the property; and to minimize dewatering of offsite property.
 8. At least 48 hours prior to commencement of authorized activity, the permittee shall notify EPC staff of development commencement in writing (fax¹ and e-mail² notification are also acceptable) indicating the actual start date for each phase of construction and contact person (qualified environmental professional) with telephone numbers.
 9. Each phase or independent portion of the gypstack expansion and compensation mitigation must be completed in accordance with the approved plans and 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.
 10. As-Built Certification by a registered professional must be submitted within 30 days after completion of construction of the authorized activity. Additionally, if deviation from the approved drawings are discovered during the certification process, the certification must be accompanied with a previous modification approval by EPC staff. EPC will have 30 days upon receipt of the As-Built plans to review and respond to Cargill Fertilizer, Inc. with regard to the acceptability and sufficiency of the submittal. Information to be in the As-Built plans shall include, but may not be limited to:
 - a. The reason for the modification.
 - b. The original permitted activity, structures, specifications, conditions, etc.
 - c. Effects, if any, of the modification on the permitted activity and/or ILMP.
 - d. Names, dates, etc.
 - e. Calculations, tables, graphs, etc. if affecting the ILMP, conditions, etc.

¹ Wetlands Management Division Fax Number – (813) 272-7144

² Wetlands Management Division E-mail – howton@epcjanus.cphc.org

11. This authorization is valid only for the specific processes, operations, and designs indicated on the approved drawings or exhibits submitted in support of the authorization application (Consolidated Development Application) for the approved project area which is comprised of the gypstack expansion area, North Parcel West A, North Parcel West B, Giants Camp, North Parcel East, and the Archie Creek Relocation and Restoration Areas. Any substantial deviation from the approved drawings, exhibits, specifications, or authorization conditions, including construction within the total land area, but outside the approved project area(s), may constitute grounds for revocation of this authorization or enforcement action by the EPC, unless a modification has been applied for and approved. Examples of substantial deviations include, but are not limited to excavation of ponds, ditches, channels, or sump areas deeper than shown on the approved plans.
12. Should any other regulatory agency require changes to the approved system, the EPC shall be notified of the changes prior to implementation so that a determination can be made as to whether or not an EPC authorization modification is required.
13. This authorization does not eliminate the necessity for Cargill Fertilizer, Inc. to obtain any and all required federal, state, local, and special district (i.e. Southwest Florida Water Management District) permits.
14. The permittee shall hold and save the EPC harmless from any and all damages, claims, or liabilities which may arise by reason of the activities allowed by the authorization or any use of the approved system.
15. The permittee shall notify the EPC in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of the approved system or the real property at which the approved system is located. The permittee transferring the authorization shall remain liable for any corrective actions that may be required as a result of any authorization violations prior to such sale, conveyance, or other transfer.
16. Upon reasonable notice to the permittee, EPC authorized staff with proper identification shall have permission to enter, inspect, sample, and test the system to insure conformity with EPC rules, regulations, and conditions of the authorization.
17. The permittee shall immediately notify the EPC in writing of any previously submitted information that is later discovered to be inaccurate.
18. As the ERP/Natural Resources LAL Consolidated Development Application and its attached appendices have been approved by EPC staff, a Mitigation Agreement must be signed by the owner/developer, notarized, and approved by the Executive Director of the EPC. The Mitigation Agreement must be recorded, and the recording fee must be paid by the owner/developer and should accompany the Mitigation Agreement. Recording fees are \$6.00 for the first page and \$4.50 for each additional page thereafter. Money orders or certified checks (no personal checks accepted) must be made payable to the Clerk of the Circuit Court.
19. In the event that the permittee files for bankruptcy prior to completion of all work permitted and required by this authorization, the permittee must notify the EPC

within 30 days of filing. The notification shall identify the bankruptcy court and case number and shall include a copy of the bankruptcy petition.

SPECIFIC CONDITIONS

1. Annual reports for the project shall be submitted to the EPC beginning 13 June 2001 (anniversary date of the Development Order approval of the Hillsborough County Board of County Commissioners) and shall continue to be submitted on an annual basis until all authorized construction of the approved project has been completed and EPC staff determines the restoration activities have met the objectives of the ILMP, using reasonable scientific judgements. For the purposes of the following specific conditions, restoration shall include the terms enhancement, restoration, and creation of wetlands and uplands. Reports shall include the current project status and the construction schedule for the upcoming year.
2. Best management practices for erosion control shall be implemented to control siltation and prevent turbidity in excess of County Water Quality Standards pursuant to Chapter 1-5, Water Quality, Rules of the EPC. Methods may include, but are not limited to, the use of staked hay bales, filter cloth, staged construction and turbidity curtains/screens.

Erosion/turbidity control methods shall be inspected and maintained daily during all phases of construction authorized by this authorization until all soils on site have been stabilized.

During earthmoving activities associated with expansion of the gypstack and construction of the re-routed Archie Creek, turbidity shall be monitored daily in the unimpacted portion of Archie Creek at the U.S. 41 bridge. Monitoring shall continue until all stabilization measures have been completed. The following measures shall be taken immediately by the permittee when turbidity levels, within Waters of the County adjacent to the project site exceed water quality standards established pursuant to Chapter 1-5:

- a. Notify the EPC.
 - b. Stabilize all exposed soils contributing to the violation.
 - c. Cease all work contributing to the water quality violation until EPC approval is granted to resume work.
3. During all authorized activities, all areas of exposed soils shall be isolated from Waters of the County so as to prevent erosion and deposition of such soils into County waters.
 4. All exposed soils having potential for runoff into Waters of the County shall be stabilized using standard best management practices such as sodding or mulching within seven (7) days of achieving final grade.
 5. The permittee is responsible for retaining a professional engineer registered in the State of Florida to certify that the construction of the project is in compliance with the approved authorization plans.

6. The permittee is responsible for retaining a qualified environmental professional to ensure that construction of the restoration and subsequent monitoring is carried out in compliance with the approved plans.
7. Within 30 days upon completion of construction, the permittee will submit to the EPC a certification by the Engineer of Record, on his/her letterhead, stating that: "I hereby certify that the works permitted by the EPC in this authorization have been built in accordance with the approved plans and specifications and that any substantial deviation (noted below) will not prevent the system from performance function in compliance with the approved plan. These determinations have been based upon onsite observations of construction, scheduled and conducted by me or by a project representative under my direct supervision." This certification will be submitted with the Record Drawings.
8. The permittee shall notify the EPC in writing within 30 days of any change in agents designated in the approved authorization application.
9. If the approved plan, drawings and the Specific Conditions contradict each other, then the Specific Conditions shall prevail.
10. All water that falls on the gypstack expansion area during operations, except that water that falls on the outside of the perimeter dike, will be diverted to the process water system. At the end of the active life of the phosphogypsum stack system, it will be closed pursuant to Phosphogypsum Management Rules. At that time, surface water runoff from the closed stack will be diverted through a ditch system and, if meeting State Water Quality Standards, discharged to Waters of the County.
11. The purpose of mitigation is to create and/or restore (in situations where wetlands existed historically but can no longer be identified as wetlands through application of Chapter 62-340, F.A.C., restoration of wetlands is considered to be creation by EPC) jurisdictional wetlands so as to protect the environmental benefits of the target or impacted wetlands (as compensation for authorized impacts to wetlands). For the purposes of this authorization, mitigation shall be conducted as described below. In accordance with the intent of the D.O., the restoration program was prepared to provide a net ecosystem benefit (NEB). It is recognized that the anticipated ecological improvement obtained through the restoration effort exceeds that which may have resulted from the traditional permitting process. Therefore, the term "mitigation" as used below may also include ecological improvements above and beyond those required to compensate for impacts to jurisdictional wetlands. The term "restoration" as used below includes creation, restoration, and enhancement of native habitat, unless otherwise specified. The permittee has proposed the following NEB that have been determined to be acceptable to the Wetlands Management Division of the Environmental Protection Commission of Hillsborough County:

A. Integrated Land Management Plan (ILMP)

An ILMP shall be the primary process for the regulatory review, permitting, management, and monitoring of those permittee lands affected by or contained within all buffer, mitigation, and restoration lands

(Affected Properties), as outlined in the D.O. It shall also serve as a management plan and tool of other permittee land holdings not included as mitigation or restoration lands for the gypstack expansion project. The ILMP shall be developed as a Geographic Information System (GIS) based database management system that will provide the ability to implement, manage, and adapt the initial restoration, mitigation, and monitoring plans for all Affected Properties on a continuous and cost effective basis. The GIS elements shall include all physical site features, individual and regional maps, and proposed and final restoration plan areas, and shall provide the ability to update each mitigation, restoration, or related plan as the mitigation and/or restoration plans are implemented. Exhibit H of the DRI attached hereto and incorporated herein by reference contains the total acreage, mitigation acreage, and NEB acreage for the Affected Lands, as well as acreage of other permittee holdings/properties to be included in the ILMP.

The ILMP shall be provided to EPCHC, FDEP, FWCC, USACOE, SWFWMD, and Hillsborough County (referred to herein as the Restoration Reviewing Agencies [RRA]) for review and comment. All comments from the above RRA shall be provided to the permittee and FDEP. The FDEP shall coordinate the review of the ILMP, including, but not limited to, collection and consolidation of the RRA comments, transmittals of such documents to the permittee, and providing documentation that the ILMP has been approved by the RRA.

The ILMP shall be submitted within 90 days of Executive Director Authorization issuance as a Specific Condition of the Authorization and shall be consistent with D.O. conditions and authorization requirements and shall include, at a minimum, the following items:

- (1) Preliminary restoration, adaptive management, and monitoring plans for the Affected Properties consistent with all applicable D.O. conditions and authorization requirements;
- (2) Preliminary management and monitoring plans for the other permittee holdings/properties as outlined in Exhibit H of the DRI;
- (3) A detailed discussion and implementation timeline outlining the steps the permittee will undertake to develop and obtain final approval from the RRA of the Site Specific Land Management Plans (SSLMP) for the Affected Properties and other permittee holdings/properties within one (1) year from the effective date of the D.O.;
- (4) A detailed discussion and timeline outlining monitoring and reporting activities for the ILMP/SSLMP to be undertaken for the Affected Properties and other permittee holdings/properties consistent with applicable D.O. conditions and authorization requirements; and

- (5) A detailed discussion of the success criteria for the preservation, restoration, and/or enhancement of the Affected Properties.

The permittee shall, at its sole cost and expense, complete in full the preservation, restoration, and/or enhancement obligations contained in the ILMP. The ILMP and SSLMP shall be "adaptive" plans and, therefore, subject to modification with the consent of both the permittee and the RRA.

The approved SSLMP shall be submitted with the first DRI Annual Report. All restoration activities and restoration monitoring occurring within a 12-month period ending 90 days prior to the anniversary date of the D.O. effective date shall be cumulative in nature to provide a means for identifying trends and tracking the progress of the restoration effort. Monitoring shall be conducted in accordance with the ILMP. Monitoring reports shall be submitted to the RRA with the Annual Reports.

Restoration summaries in the Annual Reports shall be reviewed and commented upon by the RRA. Together with the permittee, this group shall make recommendations for modifications to the restoration program, as indicated by site conditions and monitoring results. For a period of ten (10) years from the date of permit issuance, the permittee shall meet with the RRA at least 30 days prior to the submittal of each Annual Report. The purpose of this meeting shall be to review the Restoration Summaries in the Annual Report, discuss the progress of the restoration effort, and recommend modifications to the program, if necessary. A copy of the draft Restoration Summaries shall be provided to the RRA at least 60 days prior to the submittal of the Annual Report. Recommendations made during the review meeting shall be addressed in the Restoration Summaries within the Annual Report. After the annual meeting, the permittee shall finalize and submit the Annual Report. A summary of the previous year's recommendations shall comprise one section of the subsequent year's Annual Report to provide historical perspective.

The failure of the permittee to comply with these commitments and requirements as described in this Specific Condition regarding the ILMP/SSLMP, shall subject the gypstack expansion to a substantial deviation determination pursuant to General Condition 1 of this authorization.

B. North Parcel Restoration

The North Parcel Restoration (NPR) is 282.8 acres of property located between U.S. 41 to the east and Hillsborough Bay to the west. It is bounded on the north by the Tampa Port Authority's Pendola Point mitigation area and the south by the closed gypstack and the Cargill Riverview Plant complex. The NPR is divided into North Parcel West A

(123.9 acres) and North Parcel West B (158.9 acres), with the Delaney Creek Pop-Off separating A (north) and B (south).

Restoration activities on NPR West A shall include, but not be limited to, exotic and nuisance species vegetation eradication, native species replanting, habitat creation, and the reestablishment of a freshwater pond. The final restoration, management, and monitoring plan shall be developed within one (1) year from receipt of development approval through the ILMP/SSLMP process. Restoration activities shall be completed within five (5) years from the effective date of the D.O., unless extended pursuant to Specific Condition 13 below.

Restoration activities on NPR West B shall include, but not be limited to, exotic and nuisance species vegetation eradication, native species replanting, and habitat creation. Restoration activities shall be completed within five (5) years from the effective date of the D.O., unless extended pursuant to Specific Condition 13 below.

C. North Parcel East Restoration

The North Parcel East Restoration (NPE) is comprised of NPE-A and NPE-B. Only NPE-A, consisting of 12.8 acres, is subject to this Specific Condition. The permittee has dedicated NPE-B as mitigation for anticipated future impacts that are not part of this project. The North Parcel East-A project is bounded by U.S. 41 on the west, Old U.S. 41 to the north, the CSX Railroad right of way on the east, and Delaney Creek to the south. Restoration activities on NPE-A shall include, but not be limited to, the eradication of exotic and nuisance plant species, planting of native material, and the creation of native habitat.

The NEB is intended to restore and improve the upland and wetland habitat this parcel represents. A final restoration, management, and monitoring plan shall be completed within one (1) year from receipt of development approvals. Restoration activities shall be completed within five (5) years from the effective date of the D.O., unless extended pursuant to Specific Condition 13 below. The land management plan shall follow the general principles outlined in the ILMP including mapping, exotic and nuisance plant species removal, prescribed burns, and replanting with native plant species.

D. Gypstack Buffer Management and Protection Plan

The 313 acres surrounding the existing active gypstack and the proposed gypstack expansion shall be managed to restore and maintain native habitat and wildlife values. Management shall include, but not be limited to, the removal of exotic and nuisance plant species, the preservation of native trees and the planting of native trees in open land areas. Specific

management activities shall be developed through the ILMP/SSLMP. Restoration activities shall be completed within five (5) years from the effective date of the D.O., unless extended pursuant to Specific Condition 13 below.

E. Giants Camp Shoreline Restoration

Giants Camp consists of approximately 2.0 acres located in the southwestern quadrant of the intersection of U.S. 41 and the Alafia River. The permittee shall remove existing pilings, docks, and other structures, and exotic and nuisance plants such as Brazilian peppers (Schinus terebinthifolius), to encourage mangrove recruitment. Areas cleared of exotic and nuisance vegetation shall be replanted with appropriate native vegetation. The specifics of the land management and monitoring plan will be developed through the ILMP/SSLMP. Restoration activities shall be completed within five (5) years from the effective date of the D.O., unless extended pursuant to Specific Condition 13 below.

12. The deadlines for completion of the restoration activities may be extended upon approval by the RRA. Any request for an extension shall be made by the permittee during the required restoration review meetings and shall occur prior to the submittal of the Annual Report. Any extension approval granted by the RRA shall be reported in the Annual Report.
13. The RRA and the permittee shall ensure that the restoration objectives for the Affected Properties are addressed through the restoration program. The restoration objectives are established in the ILMP submitted as part of the Application for Development Approval (ADA) and incorporated here by reference. The objective of the ILMP is to recreate and sustain, to the extent practical and feasible, the ecological conditions present in the restoration areas prior to significant alteration by humans. The majority of this effort will be to reestablish native plant communities similar to those found in relatively undisturbed natural areas. In addition, efforts will be made to encourage colonization and utilization of designated restoration areas by designing wildlife habitats for an assemblage of native wildlife similar to that known to exist in natural habitats in the region.

Activities and schedules may be modified to optimize the restoration effort, upon approval by the EPC following review and comment by the RRA. Any revisions or refinements to the restoration activities, schedule, monitoring program, reporting process, or other aspects of the restoration program resulting from the annual review by the RRA and subsequent approval by the EPC shall be implemented by minor modifications to this authorization, initiated by correspondence from the permittee.

14. The permittee shall submit certified as-built surveys of the wetland creation areas to the EPC for review within 60 days of achieving final grades and prior to

planting. A description of minor deviations from the design drawings shall be identified on the as-built drawings. The EPC will review the surveys within 30 days to determine if grading is in compliance with the permit drawings and/or the stated goals of the DRI and ILMP. Upon completion of review, the EPC will notify the permittee of compliance or of any noted deviations. The EPC's notification of compliance does not constitute a finding by the EPC that the wetland creation areas will meet the desired objectives of the ILMP/SSLMP or the authorization success criteria. The survey shall include the following for each wetlands creation area:

- A. Surface area (total square footage or acreage) of each area
- B. Locations and elevations for each permanent benchmark
- C. The cross-sections identified in Volume II, Appendix C of the Consolidated Development Application

15. A schedule for planting of each wetland creation area shall be submitted to the EPC within 14 days of receipt of notice of compliance of the surveys required in Specific Condition 14 above. The EPC will respond to the appropriateness of the schedule submittal within 14 days.

16. Plants used in the wetland creation areas shall originate from the local geographic area not to exceed a 60 mile radius from the project site. The permittee shall submit to the EPC the following information 14 days prior to any planting:

- A. Name(s) of the nursery(s) from which the plants shall be purchased; and/or
- B. The exact location from which the plants shall be harvested, with the location identified on a vicinity map. When plants are harvested from natural areas, the permittee shall have available for review the permit number of the FDEP ERP, a copy of the EPC Executive Director's Authorization, and/or a copy of the SWFWMD permit and a copy of the FDEP Aquatic Plant Harvesting permit authorizing the harvest.

17. A "Time Zero" monitoring Report summarizing the planting of each wetland creation area shall be included within the next Annual Report following the planting of that area and shall include the following:

- A. Date that the planting was completed.
- B. Sufficient color photographs to provide an accurate representation of each wetland creation area. The photographs shall be taken from fixed reference points and directions as shown on a scaled plan view drawing.
- C. A table depicting numbers, spacing, and sizes (including tree height) of each species planted within each mitigation area.

18. Subsequent monitoring reports shall be included in the Annual Reports and shall include the information noted in the monitoring section of the ILMP/SSLMP. Upon approval by the EPC, the monitoring procedures described in the ILMP/SSLMP may be modified. Field notes and other raw data should be available for inspection if requested.

19. All restoration activities and restoration monitoring occurring within a 12 month period ending 60 days prior to the anniversary of the D.O. approval date (30 June 2000) shall be summarized in the Annual Report. Annual Reports shall be cumulative in nature to provide a means for identifying trends and tracking the progress of the restoration effort. Monitoring shall be conducted in accordance with the Site Specific Detailed Restoration Plan. Monitoring reports shall be submitted to the EPC office with the Annual Reports.

Annual Reports shall be reviewed and commented upon by the RRA. Together with the permittee, this group shall make recommendations for modifications to the restoration program, as indicated by the site conditions and monitoring results.

For a period of ten (10) years from the date of the authorization issuance, the permittee shall meet with the RRA at least 30 days prior to the submittal of each final Annual Report. The purpose of this meeting shall be to review the draft Annual Report, discuss the progress of the restoration effort, and recommend modifications to the program, if necessary. A copy of the draft Annual Report shall be provided to the RRA at least 60 days prior to the submittal of each final Annual Report. Recommendations made during this meeting shall be addressed in the final report. After the annual meeting, the permittee shall finalize and submit the Annual Report. A summary of the previous year's recommendations shall comprise one section of the subsequent year's Annual report to provide historical perspective.

20. Beginning with the second year following initial planting, and for each year thereafter until the project has been determined to be successful, dead plants shall be replaced when it is determined by the RRA that a given wetland system is not achieving the goal of a dominance by native, desirable species as identified in the ILMP and the specific criteria of the SSLMP. The wetland restoration/creation areas will be mulched with wetland topsoil, seeded, or planted with herbaceous and woody plant species in a manner that mimics natural wetland plant communities indigenous to this region. In the event the wetland restoration/creation areas do not have plant coverage that is representative of the ecotype for which it was designed, supplemental planting compatible with the existing hydrologic regime will be implemented following review by the RRA and approval by the EPC.
21. Submittal of the monitoring reports shall continue uninterrupted until the goals of the ILMP and the specific criteria of the SSLMP are achieved as determined by the RRA.
22. Because this project was proposed by Cargill Fertilizer, Inc. as an Ecosystem Management Project (Chapter 95-275, Laws of Florida) and through the Team Permitting process was determined to provide a Net Ecosystem Benefit, by virtue of being a signatory to the agreement and a member of the Team, EPC confirms that application of the following criteria is flexible and may be adjusted upon approval by the EPC to provide for the achievement of the general goals of the ILMP and the specific criteria of the SSLMP. The restoration project shall be

deemed to have met its desired objectives when all of the following goals and criteria are met:

- A. Upland and wetland areas are dominated by native, desirable species.
- B. Upland areas have developed a pyrogenic vegetative community that can be managed primarily by prescribed burning.
- C. An ecologically significant increase in utilization by wildlife is reflected through scheduled monitoring and other recorded observations.
- D. Exotic or nuisance species are present at sufficiently low level to not inhibit the growth and propagation of native species.

In assessing the achievement of these goals, the EPC shall consider quantifiable criteria that reflect the flexible nature of the project, including, but not limited to, the following:

- A. Density of trees and total vegetative cover (canopy and groundcover) in forested wetland creation areas equivalent to that of similar natural systems (approximately 400 trees per acre and 70% total vegetative cover) and an indication of active growth of planted trees.
- B. Total vegetative cover (shrub and groundcover) in herbaceous wetland creation and restoration areas equivalent to that of similar natural systems (approximately 85% vegetative cover).
- C. At a minimum, vegetative cover by exotic/nuisance vegetation shall be maintained at a level of less than 10%. Species targeted for control are generally those found on the current Florida Exotic Pest Plant Council list, with greater emphasis on species identified in Categories I and II of that listing. Control will be applied in a manner appropriate for meeting the long-term management goals.
- D. The wetland creation areas have been inspected by a member of the EPC's Wetlands Management Division staff and has been determined to be within the landward extent of waters of the State pursuant to Chapter 62-340, F.A.C.

23. Two surface water quality monitoring stations each shall be installed in North Canal and Archie Creek, during and following construction of the proposed project. Each named water course shall have one monitoring station located upstream and one station located downstream from the project site.

The monitoring program for these stations shall be subject to approval by the FDEP, EPCHC, and Tampa Bay Regional Planning Council (TBRPC). The monitoring program shall include tests for all appropriate water quality parameters, including radium and gross alpha. The data collected in the monitoring program shall be submitted to FDEP, EPCHC, and the Department of Health (DOH).

24. The permittee shall protect in perpetuity the Affected Properties through the recording of Declaration of Restrictions (DOR). Such DOR will be recorded in the Public Records of Hillsborough County, Florida, and will grant reasonable

enforcement rights to the County, FDEP, and the Department of Community Affairs. The DOR will run with the land and provide ongoing protection for the natural systems to be dedicated, enhanced, restored, improved, and otherwise provided by the permittee as part of the NEB for this project. A DOR will be developed for each of the affected NEB properties in order to provide for the specific restrictions and/or allowable land uses based on that property's specific restoration and adaptive land management plans. Individual DOR's will be recorded for North Parcel West A, North Parcel West B, and North Parcel East A within one year of issuance of the EPCHC Executive Director's Authorization for wetland impacts associated with the gypstack expansion.

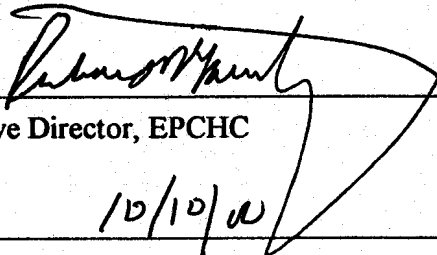
Individual DOR's will be recorded for the Stack Buffer Area and the Archie Creek Relocation/Restoration area within one year of the issuance date of the EPCHC Executive Director's Authorization for wetland impacts associated with the gypstack expansion.

Each DOR will be subject to amendment based on the completion of the specific restoration and adaptive management planning process as identified herein. Such amendments will reflect the findings and results of the restoration and adaptive management process, and all proposed amendments to be subject to the review and approval of the RRA. This amendment process is intended to allow the results of the restoration and management plans to be integrated, when such results shall provide more defined specific restrictions and land uses.

The permittee shall be permitted to propose alternative mechanisms of achieving the preservation of each property prior to the recording of each DOR. Permission shall be provided so long as the alternative mechanism provides no less preservation than that provided by the DOR, and is consistent with the requirements of the Natural Preservation future land use designation as identified in the Hillsborough County Comprehensive Plan. Such alternative mechanisms can include, but not be limited to, donation of fee or less than fee interests and/or donation or sale of a conservation easement to a qualified organization or government agency as defined by Florida Statute. Any such alternative mechanism shall also be subject to approval by the County, FDEP, DCA, and the EPCHC.

25. The permittee shall provide the EPCHC with proof of financial responsibility to insure proper and successful completion of the mitigation and NEB plans. Financial responsibility may be established and assured by a number of methods, including but not limited to: performance bond, irrevocable letter of credit, deposit of cash or cash equivalent into an escrow account, guarantee bond, or as provided by Chapter 1-11, Wetlands, Rules of the EPCHC.
26. The permittee shall be aware of and operate under General Permit Conditions #1 through #19 and Specific Conditions #1 through #26 of this Authorization. General and Specific Conditions are binding upon the permittee and enforceable pursuant to Chapter 84-446, Laws of Florida. Operation of the gypstack

expansion shall be subject to the requirements of the Phosphogypsum Management Rule (Section 62-673, F.A.C.) and may be independent of the activities and schedule contained in the EPCHC Executive Director's Authorization to impact wetlands.

Signature: 
Executive Director, EPCHC

Date: 10/10/00

Attachments:

Attachment A: Folio Numbers of the Subject Property

Copies Submitted To:

Environmental Protection Commission of Hillsborough County Legal Department
Florida Department of Environmental Protection, Southwest District
Tampa Port Authority
Hillsborough County Planning and Growth Management Department
Tampa Bay Regional Planning Council
Florida Fish and Wildlife Conservation Commission
Florida Department of Community Affairs
Southwest Florida Water Management District
United States Army Corps of Engineers
United States Fish and Wildlife Service

ATTACHMENT A: FOLIO NUMBERS OF THE SUBJECT PROPERTY

Folio Number	Zoning	Land-Use	S-T-R
48870.0100	AI	LI	2-30-19
48871.0000	AI	LI	2-30-19
48872.0000	AI	LI	2-30-19
48991.0000	PD-I	LI	11-30-19
48992.0000	AI	LI	10-30-19
48992.5000	PD-I	LI	10-30-19
48998.0200	PD-I	LI	10-30-19
49035.0100	PD-I	LI	10-30-19
49037.0000	PD-I	LI	10-30-19
49039.0000	AI	LI	15-30-19
49042.0000	PD-I	LI	11-30-19
49051.0100	AI	LI	11-30-19
49052.0000	AI	LI	11-30-19
49064.0400	AI	LI	14-30-19
49156.0000	AI	LI	14-30-19
49158.0000	AI	LI	14-30-19
49159.0000	AI	LI	14-30-19
49160.0000	AI	LI	14-30-19
49165.0000	AI	LI	14-30-19
49166.0000	AS-I	LI	14-30-19
49169.0000	AI	LI	14-30-19
49178.0100	RSC-6MH	R-6	14-30-19
49180.0000	AI AR	LI R-6	14-30-19
49182.0000	RSC-6MH	R-6	14-30-19
49245.0000	AS-I	R-6	14-30-19
49265.0000	AS-I	R-6	14-30-19
49266.0000	AS-I	LI	14-30-19
49272.0000	AI	LI	14-30-19
49288.0000	AR	LI	15-30-19