



Resilient Environment Department

ENVIRONMENTAL PERMITTING DIVISION

1 North University Drive, Mailbox 201, Plantation, Florida 33324 • 954-519-1483 • FAX 954-519-1412

January 17, 2024

Jena Robbins
The Chappell Group
714 E McNab Road
Pompano Beach, FL 33060

**Subject: NSU Port Parcel
Environmental Resource License Application No. DF20-1121
Surface Water License Application No. TBD
SFWMD Application No. TBD**

Dear Ms. Robbins:

The staff has completed a fifth review of the subject project, based on the materials received December 22, 2023, 2023. In accordance with Section 5.5.3.1 of the Environmental Resource Permit Applicant's Handbook Volume I (AH I), adopted by reference in Section 62.330.010(4)(a), Florida Administrative Code (F.A.C.) and Section 27-200(b)(3), satisfactory answers to the following comments/questions must be provided to complete the application and provide reasonable assurances for permit issuance.

1. Repeat comment: Since the proposed project is located within Broward County's FDEP [delegation area](#), please submit the \$7,500 Environmental Resource Permit application fee made payable to Broward County.
2. Repeat comment: The proposed project appears to include adjacent upland work that may require a Surface Water Management License or similar approval from the County's Environmental Engineering and Licensing Program. Please contact Johana Narvaez at 954-519-0318 or inarvaez@broward.org to discuss potential licensing requirements.
3. Repeat comment: There is a designation of a "Local Area of Particular Concern" (LAPC No. 97) which encompasses the wetland area where impacts are proposed. Any impacts to the LAPC must be approved by the Board of County Commissioners with the revision of the LAPC boundary. Please contact the Broward County Planning Council for additional information regarding this process.
4. Repeat comment: Please provide reasonable assurances that the proposed project will not adversely impact the values of wetland and other surface water functions to cause adverse impacts to the abundance and diversity of wildlife, including listed species and the habitat of listed species. Department staff recommends that the applicant coordinate with Florida Fish and Wildlife Conservation Commission and/or the U.S. Fish and Wildlife Service. If the applicant has already coordinated with these agencies, please provide documentation from them indicating that the proposed project will not cause adverse impacts to the abundance, diversity and habitat of fish, wildlife and listed species at the site and in the vicinity of the site. [Sections 10.2.2, 10.2.3.2 and 10.2.3.4, Vol. I]

Broward County Board of County Commissioners

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5. Repeat comment: In the submitted Mitigation Plan and Onsite Wetland Monitoring and Maintenance Plan, a portion of the site will be preserved and enhanced, however, it's not clear where invasive species exist on site to be removed or what specific targets will be met on site to improve each of the categories listed in UMAM. Please provide information for what specific work will be done to enhance the existing wetland area in relation to the landscape, water, and community scores.
6. Repeat comment: Please provide structural plans for the seawall surrounding and please indicate how the wall will be installed without impacting the surrounding properties.
7. Repeat comment: The proposed filling of the wetland area will encourage short circuiting of the treatment volume and current water flow. Please provide equalization to show that the water elevations are being maintained. A way to demonstrate is by analyzing pre-vs-post at any storm event up to the 100-year, 3-day storm event where the peak stage should remain the same in order to be a true equalized system.
8. Repeat comment: The proposed impacts will be offset with the purchase of mitigation credit from the Everglades Mitigation Bank (EMB). Once the final scores are agreed upon with staff, please provide documentation that the required number of credits have been reserved for purchase by the applicant. [Section C, Form 62-330.060(1), F.A.C. and Section 10.3.1.3, Vol. I]
9. Repeat comment: To meet guidance for the County, the remaining wetland area shall be encumbered by a Conservation Easement. Please be advised that a joint Conservation Easement (attached) and Financial Assurance documents (letter of credit or cash bond) must be approved as to form by the Broward County Attorney's office prior to license issuance.

In addition to an executed final easement form, the following information will be necessary to complete the CE submittal package (see "ConsEasementInstructions Rev 4-23-15"):

- a) Sketches to accompany legal descriptions associated with Exhibit A and B.
- b) A Professional Engineer's or Professional Surveyor's Certification that the sketches and legal descriptions attached to the Conservation Easement accurately describe the licensed project Property (Exhibit A to the Easement) and the Conservation Area(s) (Exhibit B to the Easement).
- c) Evidence of title from a title company or attorney competent to issue a title opinion that is current within 30 days for the Property and the Conservation Area(s) in one of the following forms:
 - i. For the Property, a Limited Title Certification or Ownership and Encumbrance Report which shows ownership, mortgages and ingress/egress restrictions.
 - ii. For the Conservation Area(s), a complete Title Certification or Ownership and Encumbrance Report, including, but not limited to ownership, mortgages, and encumbrances such as easements, restrictive covenants, title interests, etc..

When the above items are received, EPD will send the easement or other instrument to the County Attorney's Office for their review and approval. The County Attorney's Office will return the document to EPD either approved as to form or requesting revisions or clarifications. If approved as to form, EPD will schedule the document for consideration by the Broward County Board of

County Commissioners. If revisions or clarifications are needed, EPD will return the easement document to the applicant or applicant's representative requesting these be made and returned to EPD within 30 days of receipt. Upon acceptance of the Conservation Easement by the Commission, the document will be routed to the Records Division. Following approval of the document we will notify you of the recording fees. The checks should be made out to the Broward County Board of Commissioners for recording costs and documentary stamps. The check must be no more than 6 months. The amount of the check is determined as follows:

- a) Recording cost: 1st page \$10.00
- b) Each additional page \$ 8.50
- c) Documentary Stamps: \$ 0.70
(one stamp fee per document since there is no money transaction)

Note: A copy of the license or permit will be recorded along with the Conservation Easement document and those pages will be included in the recording costs.

The document will be recorded and the Records Division will return one original and 3 certified copies to the Department, one of which will be sent to the grantor, one to the County Attorney's Office and one to the SFWMD, if applicable. Recorded documents can be viewed on web site of the Broward County Records Division at www.broward.org/records after Commission approval.

Please submit responses to this letter electronically on the County's ePermits website (<https://webapps.broward.org/EPermits/>) to expedite administrative processing of the application and to save paper. After signing in, please select 'ePermits'. Please note that an electronic response may be submitted even if the original application was submitted via hard copy. Alternatively, please provide one (1) original and one (1) copy of the requested information, clearly labeled with the application number, to the Environmental Licensing and Building Permitting Division.

In accordance with Section 5.5.3.5 of AH I and Paragraph 40E-1.603(1)(d) F.A.C. and Sec. 27-200(b)(3)(c) of the Code, "Request for additional information", if the requested information is not received within sixty (60) days from the date of this letter, this application may be processed for denial if not withdrawn by the applicant. If additional time is needed, please request an extension before the 60-day period ends.

Should you have any questions or would like to arrange a meeting to attempt to resolve the outstanding issues prior to submitting a response, please contact me at 954-519-1205 or mdecker@broward.org.

Issued by:

Michelle Decker
Environmental Project Coordinator