



Environmental Protection and Growth Management Department  
**ENVIRONMENTAL LICENSING and BUILDING PERMITTING DIVISION**  
1 North University Drive, Suite 201A, Plantation, Florida 33324 • 954-519-1483 • FAX 954-519-1412

**Via email: [rsonthalia@turnerimpact.com](mailto:rsonthalia@turnerimpact.com)**

CA Miami 20700 GR LLC  
3000 Olympic Blvd,  
Suite 2120  
Santa Monica, CA 90404

Dear Sir:

This is to notify you of the Environmental Protection & Growth Management Department's action concerning your application received 12/18/2013 for authorization to fill approximately 3.5 acres of wetlands as part of an educational development project within your property at Griffin Road and SW 207<sup>th</sup> Terrace in the City of Pembroke Pines, Florida. The application has been reviewed for an Environmental Resource License.

**Broward County - Environmental Resource License (ERL) Review – Granted**

The Department has reviewed the project for compliance with Aquatic and Wetland Resource Protection Ordinance Sec. 27-331 through 27-341 of the Broward County Code. Based on the information submitted, Environmental Resource License No. **DF13-1229** is hereby issued. The above named licensee is hereby authorized to perform the work per the approved drawings(s), plans, documents and specifications as submitted by the licensee, and made a part hereof. The above referenced approvals will remain in effect subject to the attached Broward County General Conditions, Broward County Specific Conditions, and stamped exhibits.

The issuance of this license is a **final agency determination**. A person with a substantial interest may file a petition to request review of, or to intervene in a review of, a final administrative determination, subject to the provisions of Section 27-14, Broward County Code of Ordinances (excerpt attached).

Sincerely,

*Linda Sunderland*

Linda Sunderland, NRS IV  
Aquatic and Wetland Resources Program Manager

*October 29, 2015*

Date

ENC:

1. Environmental Resource License
2. Sec. 27-14 Administrative Review Procedures (4 pages)

CC:

1. J. J. Goldasich (via email)
2. Barb Comny, SFWMD (via e-mail)
3. USACOE-PBG (via e-mail)



Environmental Protection and Growth Management Department  
**ENVIRONMENTAL LICENSING and BUILDING PERMITTING DIVISION**  
1 North University Drive, Suite 201A, Plantation, Florida 33324 • 954-519-1483 • FAX 954-519-1412

## ENVIRONMENTAL RESOURCE LICENSE

**LICENSEE:** CA Miami 20700 GR LLC

**LICENSE NO:** DF13-1229

**ADDRESS:**

3000 Olympic Boulevard  
Suite 2120  
Santa Monica, CA 90404

**PROJECT:**

Franklin Academy Middle &  
High Schools – wetland mitigation

This license is issued under the provision of Chapter 27 of the Broward County Code of Ordinances also cited as Broward County Natural Resource Protection Code hereinafter called the Code. The above-named applicant, hereinafter called licensee, is hereby authorized to perform the work or operate the facility shown on the approved drawing(s), plans, documents, and specifications as submitted by applicant, and made a part hereof and specifically described as follows:

**Description of Work:** This project involves the development of a 43.32 acre site for an educational facility. Currently, the site contains 3.5 acres of jurisdictional wetlands, and 2.4 acres of existing surface waters. The following regulated activities are proposed during construction of the aforementioned development: (1) the filling of approximately 3.5 acres of existing wetlands with approximately 23,000 cubic yards of fill and (2) filling of 0.18 acre of existing surface waters (ditch) with approximately 1,200 cubic yards of clean fill.

Unavoidable impacts to 3.5 acres of jurisdictional wetlands shall be offset through construction of an on-site 7.1 acre wetland mitigation area with an additional buffer area consisting on 1.2 acres of uplands planted with native vegetation and 0.4 acre of open water. The total mitigation area of 8.7 acres shall be placed under a Conservation Easement.

**Location of Work:** This project is located at 5000 SW 207<sup>th</sup> Terrace at the southeast corner of Griffin Road and SW 208<sup>th</sup> Avenue, Section 35, Township 50 South, Range 39 East, in the City of Pembroke Pines, Florida. Folio Number 503935130010.

Construction shall be in accordance with submitted ERL Application Form received on 5/9/2014, and all additional information submitted; plans stamped by the Department on 10/27/2015 (attached); and with all General and Specific Conditions of this license.

**License No. DF13-1229**  
**LICENSEE: CA Miami 20700 GR, LLC**

**General Conditions:**

1. The terms, conditions, requirements, limitations and restrictions set forth herein are accepted by the licensee and enforceable by EPGMD pursuant to this chapter. EPGMD will review this license periodically and may revoke the license, initiate administrative and/or judicial action for any violation of the conditions by the licensee, its agents, employees, servants or representatives or principals.
2. This license is valid only for the specific uses set forth in the license application, and any deviation from the approved uses may constitute grounds for revocation and enforcement action by EPGMD.
3. In the event the licensee is temporarily unable to comply with any of the conditions of the license, the licensee shall notify EPGMD within twelve (12) hours. Within five (5) working days of the event, the licensee shall submit a written report to EPGMD that describes the incident, its cause, the measures being taken to correct the problem and prevent its reoccurrence, the owner's intention toward repair, replacement, and reconstruction of destroyed facilities, and a schedule of action leading toward operation within the license conditions.
4. The issuance of this license does not convey any vested rights or exclusive privileges, nor does it authorize any injury to public or private property or any invasion of personal rights, or any violations of federal, state or local laws or regulations.
5. This license must be available for inspection on the licensee's premises during the entire life of the license.
6. By accepting this license, the licensee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source, that are submitted to EPGMD, may be used by EPGMD as evidence in any enforcement proceeding arising under Chapter 27, except where such use is prohibited by § 403.111, F.S.
7. The licensee agrees to comply with Chapter 27, as amended.
8. Any new owner of a licensed facility shall apply by letter for a transfer of license within thirty (30) days after sale or legal transfer. The transferor shall remain liable for performance in accordance with the license until the transferee applies for, and is granted the transfer of license. The transferee shall also be liable for performance in accordance with the license.
9. The licensee, by acceptance of this license, specifically agrees to allow access to the licensed source at reasonable times by EPGMD personnel for the purposes of inspection and testing to determine compliance with this license and this Chapter 27.
10. This license does not constitute a waiver or approval of any other license that may be required for other aspects of the total project.
11. If the licensee wishes to renew a license or extend its term, the licensee shall make application sixty (60) days prior to its expiration. Expired licenses are not renewable.
12. In addition to the general conditions set forth above, each license issued by EPGMD shall contain specific conditions determined by site conditions and requirements pursuant to the regulations as determined by the director of EPGMD. The licensee agrees that specific conditions are enforceable by EPGMD for any violation thereof.
13. Enforcement of the terms and provisions of this license shall be at the reasonable discretion of EPD, and any forbearance on behalf of EPD to exercise its rights hereunder in the event of any breach by the licensee, shall not be deemed or construed to be a waiver of EPD's rights hereunder.

License No. DF13-1229  
LICENSEE: CA Miami 20700 GR, LLC

SPECIFIC CONDITIONS:

**A. STANDARD CONDITIONS**

1. **Notify the Department in writing a minimum of 48 hours prior to project commencement and a maximum of 48 hours after project completion.** Commencement notification should include such information as the intended start date, estimated duration of construction, and the name and contact information of the firm contracted to do the work. **Failure to comply with this condition will result in enforcement action.**
2. Any project caused environmental problem(s) shall be reported immediately to the Department's Environmental Response Line at 954-519-1499.
3. All project generated solid waste and/or spoil material must be disposed of in a suitable approved manner at an upland location.
4. Turbidity screens, silt fences, or equivalent shall be properly employed and maintained as necessary to effectively contain suspended sediments and/or runoff during construction activities. **Dredging, filling, excavation, and other projects which result in similar degrees of disturbance to wet sediments shall in all cases employ turbidity control measures designed to effectively enclose the entire work area.**
5. Turbidity levels shall be monitored and recorded if a visible turbidity plume is observed leaving the site during construction activities. If monitoring reveals that turbidity levels exceed 29 NTU's above natural background 50 feet downstream of the point of discharge, project activities shall immediately cease, and work shall not resume until turbidity levels drop to within these limits [62-302.530(69) FAC].
6. Only clean fill shall be placed in the wetlands and/or water bodies being filled. Any fill material used shall be free of garbage, rubbish, refuse, asphalt, hazardous materials, organic matter such [as] wood, lumber, tree or tree trimmings, or other contaminants. The disposal of any putrescible or deleterious debris in any water body or wetlands is prohibited.

**B. CONSTRUCTION CONDITIONS**

1. Grass seed or sod, shall be installed and maintained on all disturbed areas within 48 hours of completing final grade, and at other times, as necessary, to prevent erosion, sedimentation or turbid discharges into receiving waters and/or adjacent wetlands.
2. Any adjacent wetland areas shall be protected from construction-related runoff and development activities through the use of orange construction fence and siltation screening or haybales around the perimeter of the areas adjacent to the proposed development. The erosion protection devices shall be placed before the initiation of ground-disturbing activities and shall remain in place until all ground disturbing activities within the project have concluded, and the site has stabilized, at which time the screening or haybales shall be removed completely from the site.

License No. DF13-1229  
LICENSEE: CA Miami 20700 GR, LLC

3. If the approved license drawings and/or license attachments/plans conflict with the specific conditions, then the specific conditions shall prevail.
4. This license does not eliminate the necessity to obtain any required federal, state, local or special district authorizations prior to the start of any activity approved by this license.
5. Please be advised that applicants with projects 1 acre or greater in size are required to submit a Storm Water Notice of Intent application 48 hours prior to the commencement of construction to the Florida Department of Environmental Protection, NPDES Stormwater Notices Center, MS #2510, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. In addition, please submit a Stormwater Pollution Prevention Plan to the appropriate local jurisdiction (Broward County Water Resources Division, Drainage District, or municipality) showing all Best Management Practices to be implemented during the construction of the project. The plan must be on a 24" X 36" drawing.

### C. COMPENSATORY MITIGATION CONDITIONS

1. Construction and installation of the Area shall be in accordance with plans stamped on 10/29/15 by the Department (attached) and associated information.
2. Upon completion of the mitigation earthwork, the Licensee shall submit the following items: 1) an as-built survey providing a Florida registered surveyor's certification of elevations in relation to design, 2) surveyor verification of actual acreage for all licensed mitigation habitats, and 3) a Time-Zero monitoring report. The Time Zero report is required within 30 days of completion of plantings and prior to any Certificate of Occupancy being issued for any structure on the site. **Plant installation shall not begin until after the Department has approved the as-built survey.**
3. A viable wetland system shall be established that replicates a natural reference wetland in basic structure and function. In order to assure that the Area(s) become self-sustaining, the following criteria shall be met:
  - a. A minimum of 80% coverage by desirable wetland species after a two (2) year period and demonstration of persistence for three (3) additional years.
  - b. Less than 2% coverage by invasive exotic and undesirable species is allowable if plants are dispersed and not concentrated in any particular area. Exotic and undesirable species include, but are not limited to, *Melaleuca*, Australian pine, Brazilian pepper, *Bischofia*, torpedo grass, primrose willow, cattail, air potato, and *Syngonium*. Treatment efforts should be tailored to prevent these species from becoming reproductively mature.
  - c. A minimum of 80% survival of each planted species shall be maintained each quarter. An exception to this condition may be allowed where species composition, density of planted and recruitment species, the overall wetland condition, as characterized by the growth rates and viability of the Area are of higher quality, as determined by the Department.

License No. DF13-1229  
LICENSEE: CA Miami 20700 GR, LLC

- d. Hydrologic conditions and soil characteristics are in general conformity to those specified in plans. Data from the permanent surveyed staff gauges must be collected every two weeks and submitted with the quarterly monitoring reports.
  - e. Any preserved or planted species shall be maintained as to exhibit new growth and/or propagation, viability, and overall health.
4. The Area shall be monitored and reports submitted quarterly for five (5) years describing in detail the condition of the Area relative to the reference wetland and the criteria listed above (C. 3.a-e).
  5. Should the Department determine that the Area are not achieving the listed criteria during some portion of the monitoring period, the licensee shall determine the reasons for failure and prepare plans that demonstrate clearly how the problem(s) will be corrected and submit such plans immediately to the Department for approval. Those plans shall be implemented within 30 days from the Departments written approval.
  6. Introduction (direct or indirect) of Grass Carp (*Ctenopharyngodon idella*) is strictly prohibited. The Licensee shall properly employ and maintain Grass Carp exclusion devices as necessary to prevent entry into the area.
  7. Permanent physical markers designating the preserve status of the wetland conservation area and buffer zones shall be placed around the entire perimeter of the mitigation area a maximum 100 feet apart. The markers shall be maintained in perpetuity.
  8. The licensee shall be responsible for the successful completion of the mitigation work, including the monitoring and maintenance of the mitigation area for the duration of the plan. The mitigation area shall not be turned over to another entity until the mitigation work is accomplished as licensed and staff has approved the Time Zero mitigation report. Any transfer must be in accordance with General Condition 8 shown above.
  9. Spoil generated from the excavation authorized by this license must be used on-site or placed in off-site uplands and contained in such a manner as to prevent erosion into wetlands or other surface waters.
  10. The source for the plants and muck (a minimum of 12-inches of muck required) for the wetland area shall be submitted to the Department prior to commencement of work.
  11. Plant substitutions or planting plan alterations must be approved by the Department prior to installation.
  12. The licensee shall provide any future purchaser(s) of this site with a copy of this license and Conservation Easement.
  13. Required water quality treatment (including ½” dry pretreatment and/or 1” wet detention as required by the appropriate jurisdictional agencies) must be provided **prior to** discharge into any part of the licensed wetland mitigation area. The mitigation area cannot be



**License No. DF13-1229**  
**LICENSEE: CA Miami 20700 GR, LLC**

considered in, or used for, meeting stormwater treatment requirements. Stormwater from development that abuts the mitigation area shall be routed away from the mitigation area through swales or other conveyances, and treated or discharged into treatment lakes at a distance adequate to maximize treatment prior to mixing with waters in the mitigation area.

14. The Department must be notified of any change of consultant/contractor during the construction and mitigation monitoring phases of this project.

#### **D. CONSERVATION EASEMENT/FINANCIAL ASSURANCE**

1. A draft Joint Conservation Easement and a draft Joint Letter of Credit in the amount of \$383,130.00 have been submitted by the applicant for this license. Should either of these documents be unacceptable to the County Attorney's Office or the County Commission, a replacement document shall be submitted in a form acceptable to the Department, the County Attorney's Office and the Commission within thirty (30) days of the Department's written notification that the document was unacceptable.
2. **A fully executed Conservation Easement and a copy of the issued license must be recorded within six months of license issuance or prior to any COs being issued for the project whichever comes first.**
3. Upon approval as to form by the County Attorney's office, the Conservation Easement will be presented to the Board of County Commissioners for approval. Once approved, the Conservation Easement and a copy of this license will be recorded in the public records of the County. It is the Licensee's responsibility to pay the recording costs upon notification by the County of the amount due.
4. The conservation area (8.7 acres) shall be the perpetual responsibility of the underlying development landowner and may in no way be altered from the natural or licensed state as documented in this license, with the exception of restoration activities. Activities prohibited within the conservation area(s) include, but are not limited to: construction or placement of soil or other substances such as trash; removal or destruction of trees, shrubs or other vegetation (with the exception of exotic/nuisance vegetation) removal; excavation, dredging, or removal of soil material; diking or fencing; and any other activities detrimental to drainage, flood control, water conservation, erosion control or fish and wildlife habitat conservation or preservation.
5. The conservation area (8.7 acres) shall remain under the control of the upland development owner and may not be separated from or sold to another entity.
6. The licensee has provided a DRAFT Joint Letter of Credit to BCEPGMD and SFWMD as financial assurance for this project. The Financial Assurance(s) include(s) construction, monitoring and maintenance costs with a 10% contingency for the total sum of \$383,130.00. After the time zero event and upon EPGMD review and approval of all information required in Specific Condition C.2, the licensee may request release of 35% of the total financial assurance. After two years of monitoring and maintenance and upon EPGMD review and approval, the licensee may request an additional 15% of the financial assurance.

**License No. DF13-1229**  
**LICENSEE: CA Miami 20700 GR, LLC**

7. At the end of the five year maintenance and monitoring period and upon demonstration that the licensee has met the intent and all information requested in Specific Condition C.2 and C.3, and if necessary C.4., the licensee may request the release of the remaining financial assurance. All requests shall be made in writing to the Aquatic and Wetland Resources Section of the Environmental Protection and Growth Management Department. The Licensee is advised that no portion of the Financial Assurance will be released by the Department until the Conservation Easement has been recorded.

**E. A COPY OF THIS LICENSE SHALL BE KEPT ON SITE DURING ALL PHASES OF LICENSED CONSTRUCTION.**

**Issued this 29<sup>th</sup> day of October, 2015**

**Expiration Date: October 29<sup>th</sup>, 2020**

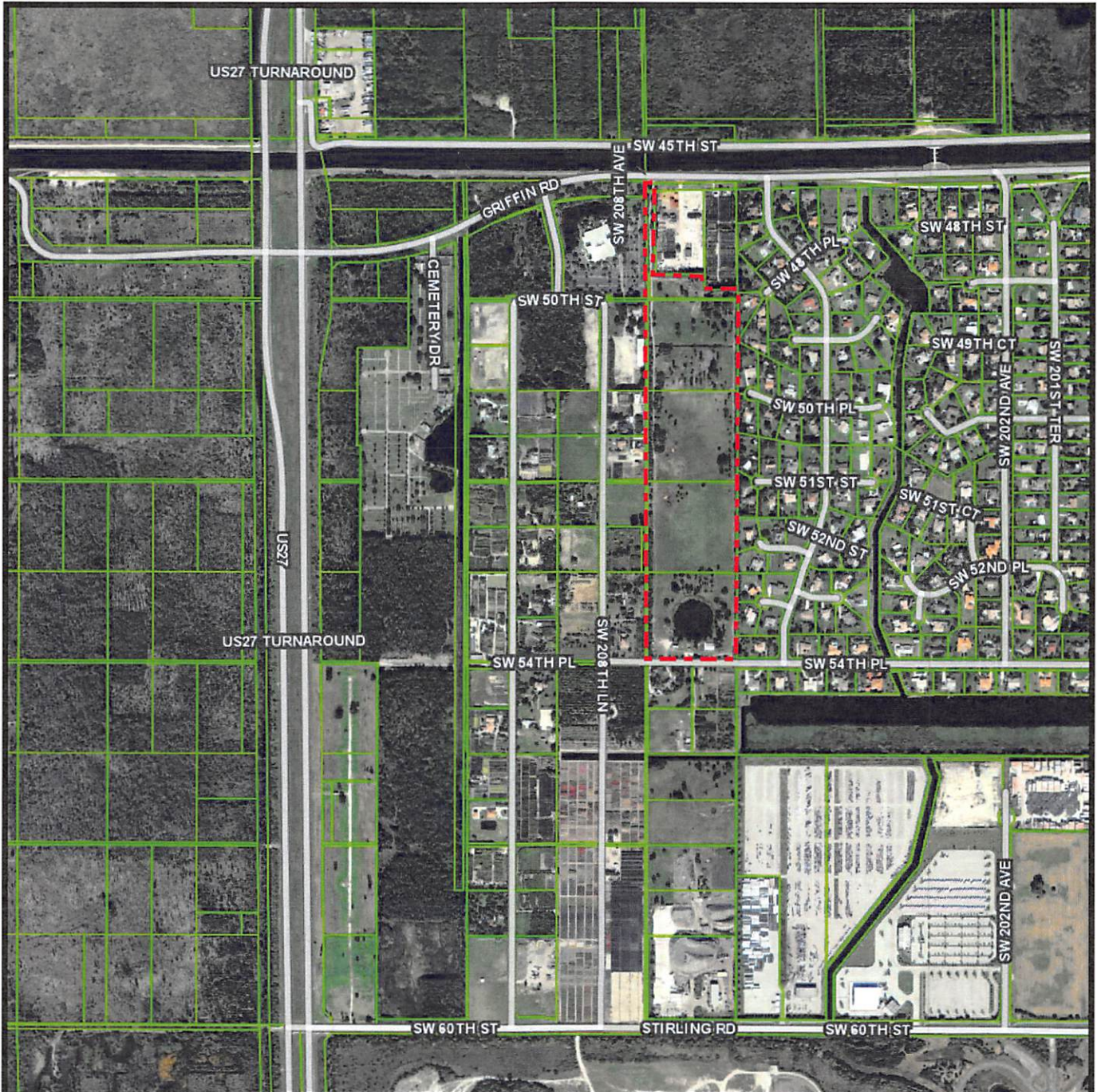
**BROWARD COUNTY ENVIRONMENTAL PROTECTION AND  
GROWTH MANAGEMENT DEPARTMENT**

*Linda Sunderland*

**LINDA SUNDERLAND, MANAGER  
AQUATIC & WETLAND RESOURCES SECTION  
ENVIRONMENTAL LICENSING AND BUILDING PERMITTING DIVISION**



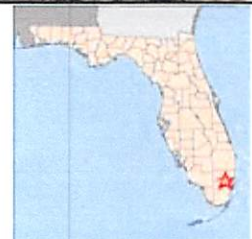
# EXHIBIT A



Franklin Schools Location  
Map

Streets MapWise  
Parcel Outlines

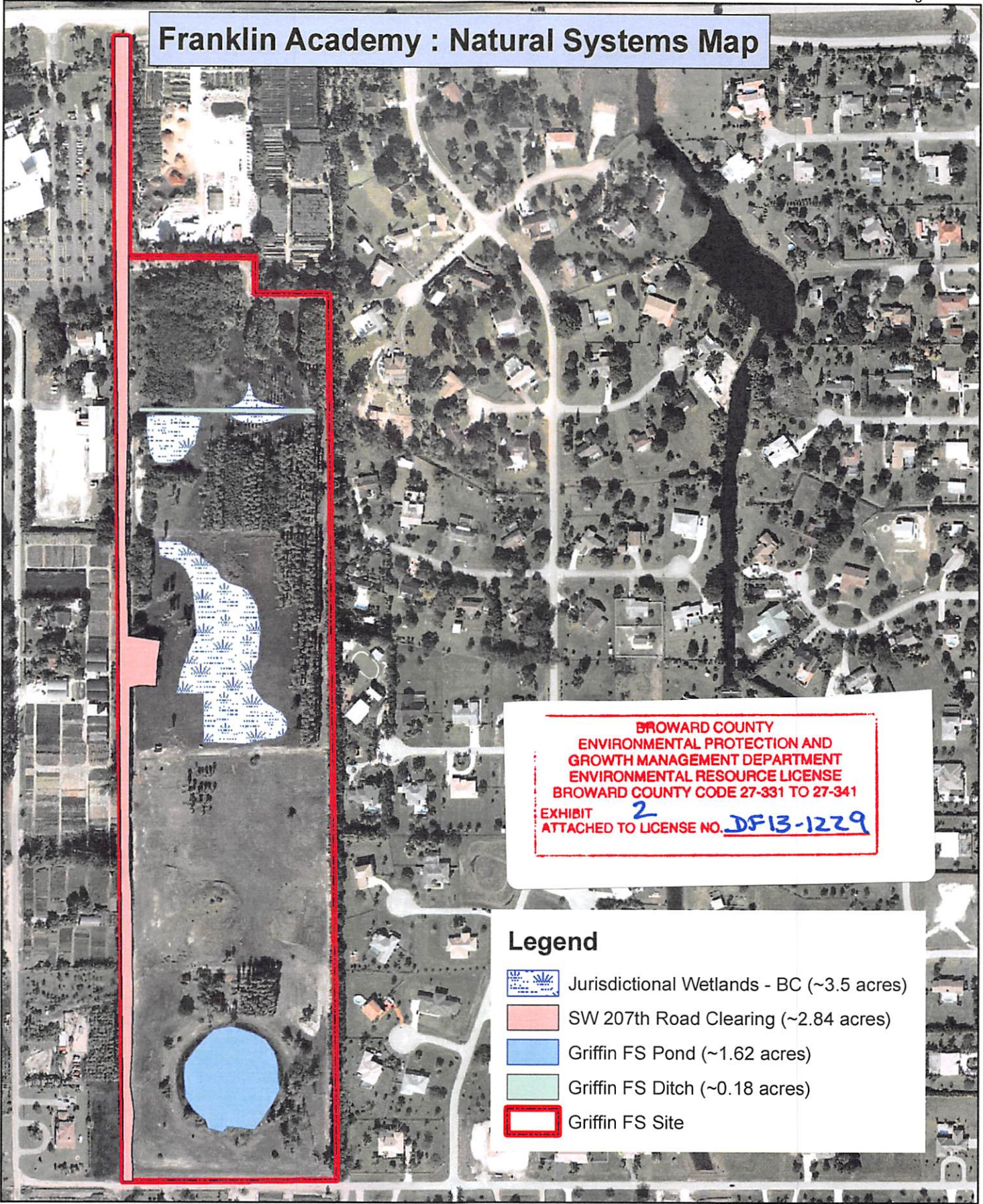
**BROWARD COUNTY  
ENVIRONMENTAL PROTECTION AND  
GROWTH MANAGEMENT DEPARTMENT  
ENVIRONMENTAL RESOURCE LICENSE  
BROWARD COUNTY CODE 27-331 TO 27-341**  
EXHIBIT 1  
ATTACHED TO LICENSE NO. DF13-1229



0 590 1180 1770 ft



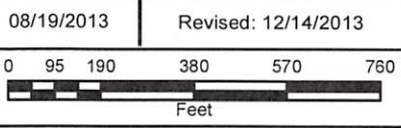
# Franklin Academy : Natural Systems Map



**BROWARD COUNTY**  
**ENVIRONMENTAL PROTECTION AND**  
**GROWTH MANAGEMENT DEPARTMENT**  
**ENVIRONMENTAL RESOURCE LICENSE**  
**BROWARD COUNTY CODE 27-331 TO 27-341**  
**EXHIBIT 2**  
**ATTACHED TO LICENSE NO. DF13-1229**

## Legend

-  Jurisdictional Wetlands - BC (~3.5 acres)
-  SW 207th Road Clearing (~2.84 acres)
-  Griffin FS Pond (~1.62 acres)
-  Griffin FS Ditch (~0.18 acres)
-  Griffin FS Site



**J. J. Goldasich and Associates, Incorporated**



Ecological Services      (561) 883-9555  
 Natural System Analysis      jgg@jgoldasich.com

**Franklin Academy**  
 Broward County JD Wetlands  
 and Natural System Map  
 Broward County, Florida

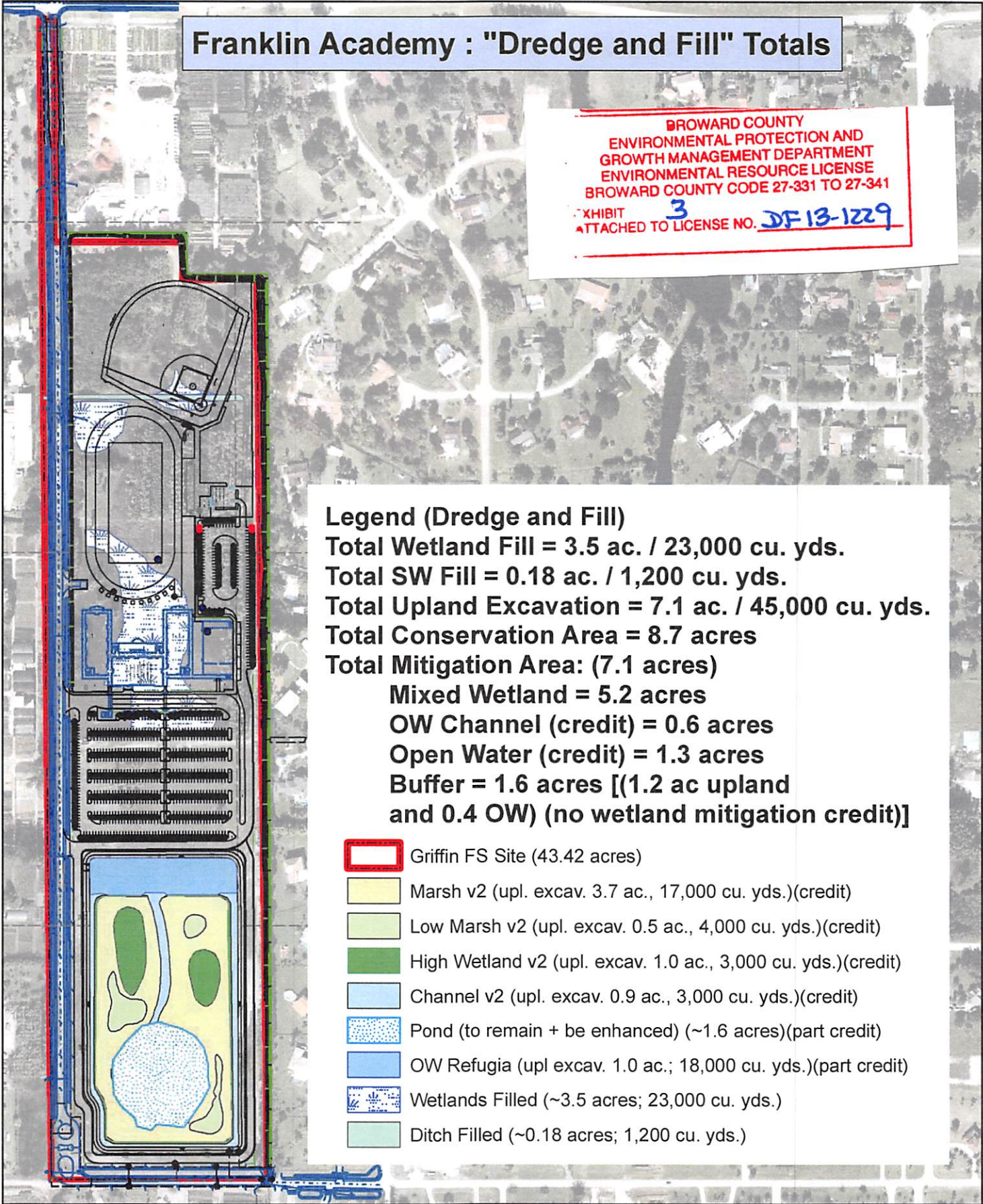
**ENV - 1**



# Franklin Academy : "Dredge and Fill" Totals

**BROWARD COUNTY  
ENVIRONMENTAL PROTECTION AND  
GROWTH MANAGEMENT DEPARTMENT  
ENVIRONMENTAL RESOURCE LICENSE  
BROWARD COUNTY CODE 27-331 TO 27-341**

EXHIBIT **3**  
ATTACHED TO LICENSE NO. **DF 13-1229**



### Legend (Dredge and Fill)

**Total Wetland Fill = 3.5 ac. / 23,000 cu. yds.**  
**Total SW Fill = 0.18 ac. / 1,200 cu. yds.**  
**Total Upland Excavation = 7.1 ac. / 45,000 cu. yds.**  
**Total Conservation Area = 8.7 acres**  
**Total Mitigation Area: (7.1 acres)**  
**Mixed Wetland = 5.2 acres**  
**OW Channel (credit) = 0.6 acres**  
**Open Water (credit) = 1.3 acres**  
**Buffer = 1.6 acres [(1.2 ac upland and 0.4 OW) (no wetland mitigation credit)]**

- Griffin FS Site (43.42 acres)
- Marsh v2 (upl. excav. 3.7 ac., 17,000 cu. yds.)(credit)
- Low Marsh v2 (upl. excav. 0.5 ac., 4,000 cu. yds.)(credit)
- High Wetland v2 (upl. excav. 1.0 ac., 3,000 cu. yds.)(credit)
- Channel v2 (upl. excav. 0.9 ac., 3,000 cu. yds.)(credit)
- Pond (to remain + be enhanced) (~1.6 acres)(part credit)
- OW Refugia (upl excav. 1.0 ac.; 18,000 cu. yds.)(part credit)
- Wetlands Filled (~3.5 acres; 23,000 cu. yds.)
- Ditch Filled (~0.18 acres; 1,200 cu. yds.)

08/19/2013      Revised: 08/08/2014

0   90   180   360   540   720

Feet

J. J. Goldasich and Associates, Incorporated

Ecological Services  
Natural System Analysis



(561) 883-9555  
jjg@jjgoldasich.com

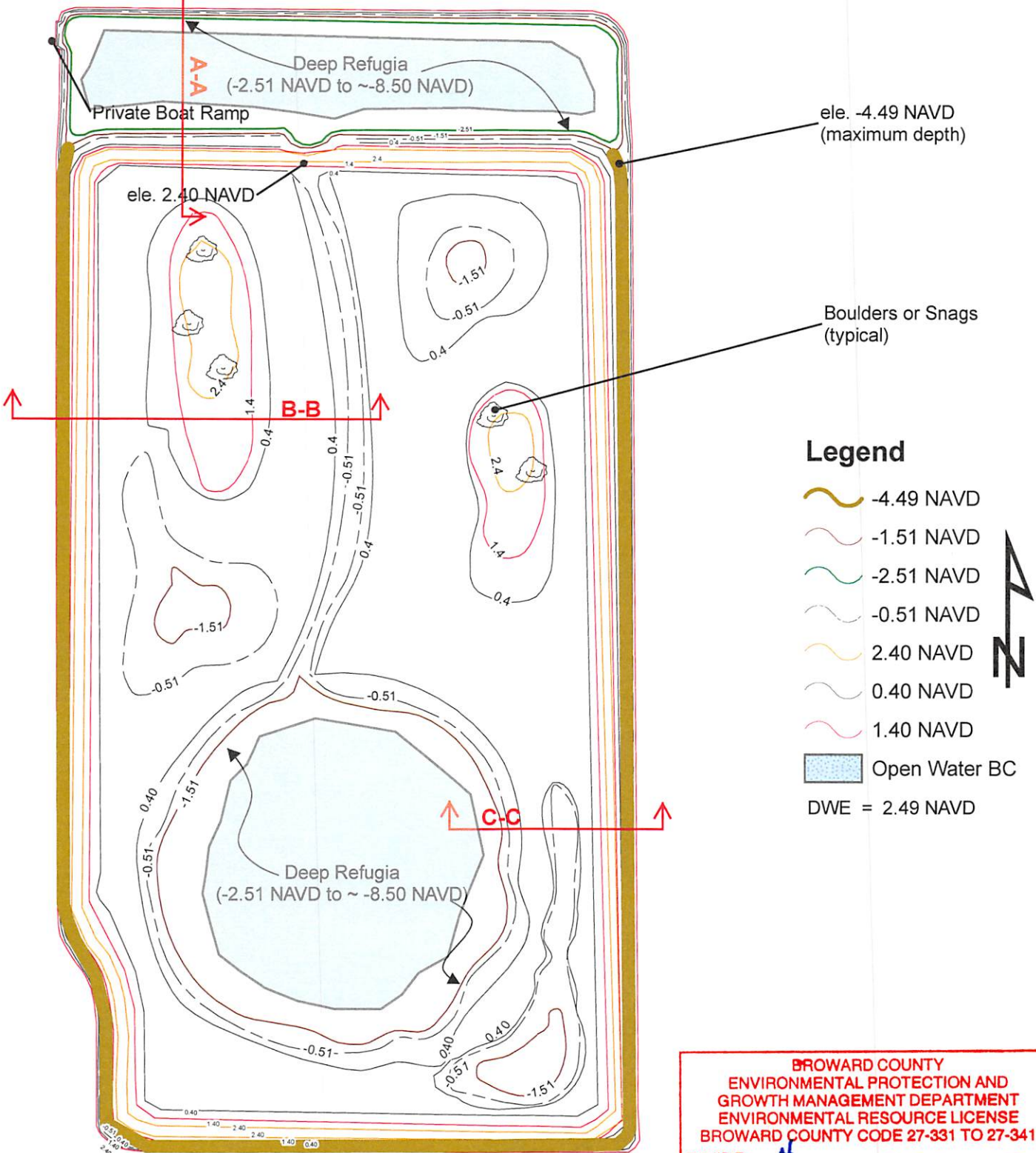
**Franklin Academy**

"Dredge & Fill" Plan  
Wetlands, Mitigation Plan with Site Plan  
Broward County, Florida

**ENV - 2**



# Franklin Academy : Mitigation Plan



**BROWARD COUNTY  
ENVIRONMENTAL PROTECTION AND  
GROWTH MANAGEMENT DEPARTMENT  
ENVIRONMENTAL RESOURCE LICENSE  
BROWARD COUNTY CODE 27-331 TO 27-341  
EXHIBIT 4  
ATTACHED TO LICENSE NO. DF13-1229**

08/19/2013      Revised: 09/16/2014

**J. J. Goldasich and Associates, Incorporated**

Ecological Services  
Natural System Analysis      (561) 883-9555  
jjg@jjgoldasich.com

**Franklin Academy**  
PROPOSED Wetland Mitigation Plan  
Broward County, Florida

**ENV - 3**

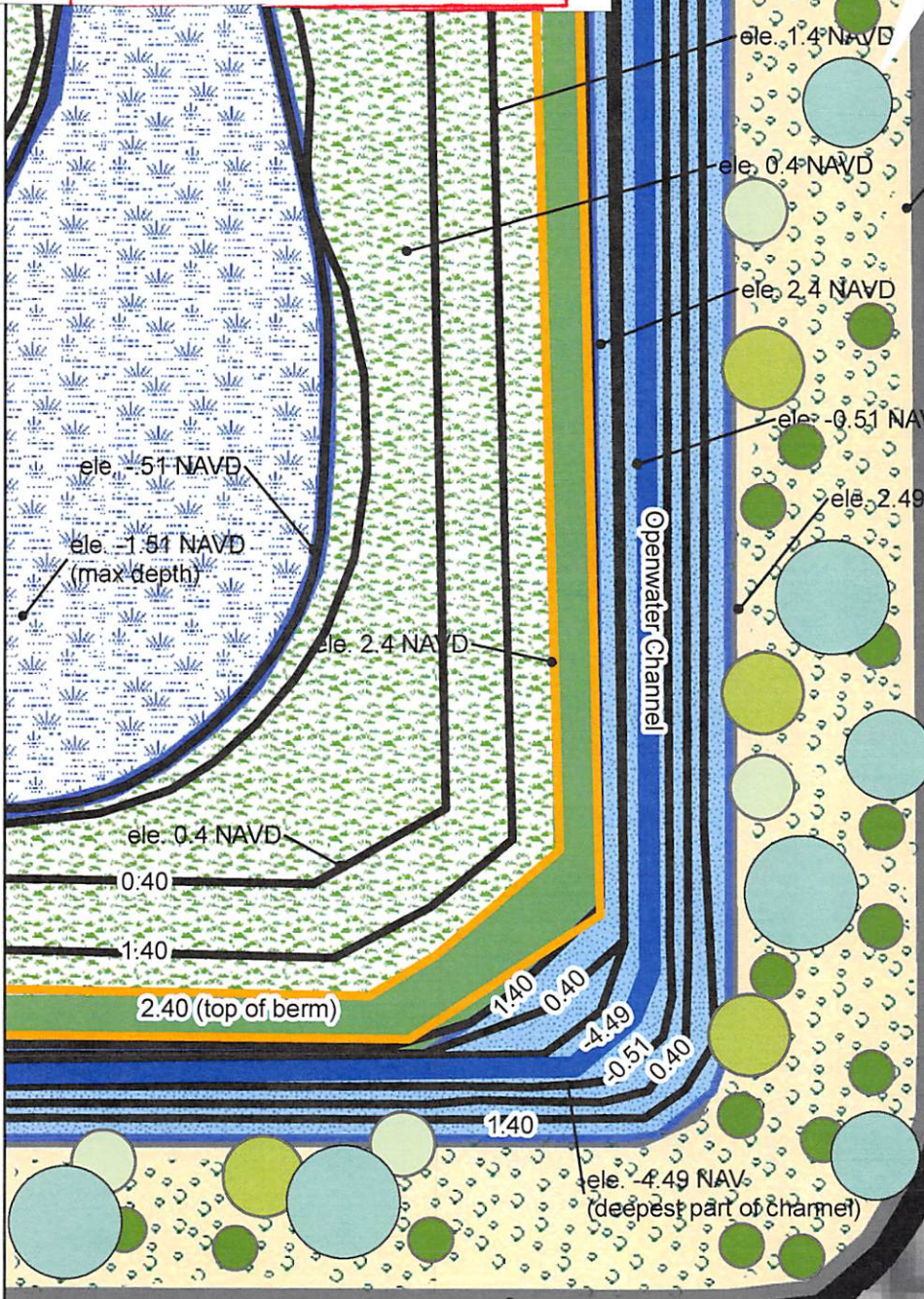


# Franklin Academy : Mitigation Plan

**BROWARD COUNTY  
ENVIRONMENTAL PROTECTION AND  
GROWTH MANAGEMENT DEPARTMENT  
ENVIRONMENTAL RESOURCE LICENSE  
BROWARD COUNTY CODE 27-331 TO 27-341**

**EXHIBIT 5**  
**ATTACHED TO LICENSE NO. DF13-1229**

Buffer width = 20 feet Uplands and minimum 5 feet Open Water Channel:  
Area of buffer between and under the woody plantings will be planted with herbaceous vegetation according to planting plan (for complete list see Plan):  
firebush  
yaupon holly  
button bush  
Coreopsis  
wild coffee  
cord grass



- Top of Buffer (5.49 NAVD)
- Red Maple
  - Slash Pine
  - Oak
  - Cypress
  - Pond Apple
  - Shrubs

### Legend

- 4.49 NAVD
- 0.51 NAVD
- 2.40 NAVD
- 0.40 NAVD
- 1.40 NAVD
- Herbaceous Buffer Plantings
- Refugia (1.3 ac)
- Channel v2 (0.9 ac)
- High Wetland v2 (1.0 ac)
- Low Marsh v2 (0.5 ac)
- Marsh v2 (3.7 ac)
- Planted Buffer v2 (1.2 ac)



**Total Conservation Area = 8.7 acres**  
**Total Mitigation Area: 6.7 acres**  
**Mixed Wetland = 5.2 acres**  
**Buffer = 1.5 acres (1.2 upland/0.3 OW)**  
**Open Water (credit = 1.3 acres**  
**Open Water (no credit = 0.7 acres**

Offsite Discharge Structure

08/19/2013      Revised: 07/31/2014

**J. J. Goldasich and Associates, Incorporated**

Ecological Services  
Natural System Analysis

(561) 883-9555  
jig@jigoldasich.com

**Franklin Academy**

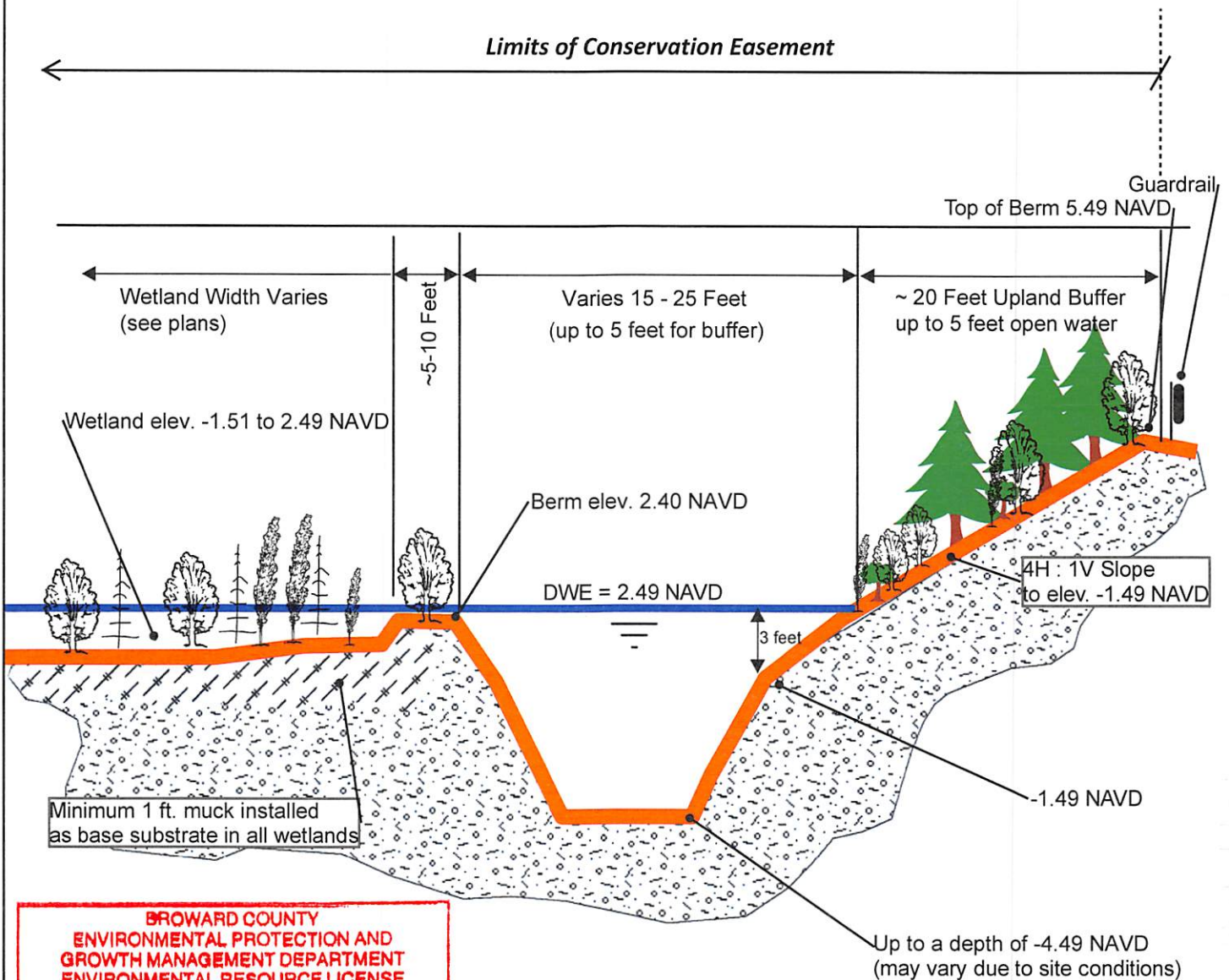
PROPOSED Wetland Mitigation Plan  
Broward County, Florida

**ENV - 4**



# Franklin Academy: Wetland / Lake Buffer - Typical Cross Section

NOTE: All wetland areas and associated upland buffers will be planted according to the wetland mitigation planting plan. This will include a mixture of herbaceous plants (3 ft. O.C.), shrubby plants (~5 ft. O.C.) and trees (~1-15 ft. O.C.). All plants will be native Florida plants with sizes ranging from 25 gallon material for the trees to bare root material for the herbaceous plants. The lake and wetland area will be isolated by a fence to provide protection. Signs will be installed at ~ 100 foot intervals stating that the area is a protected natural area under a "Conservation Easement".



**BROWARD COUNTY  
ENVIRONMENTAL PROTECTION AND  
GROWTH MANAGEMENT DEPARTMENT  
ENVIRONMENTAL RESOURCE LICENSE  
BROWARD COUNTY CODE 27-331 TO 27-341**  
EXHIBIT **6**  
ATTACHED TO LICENSE NO. **DF13-1229**

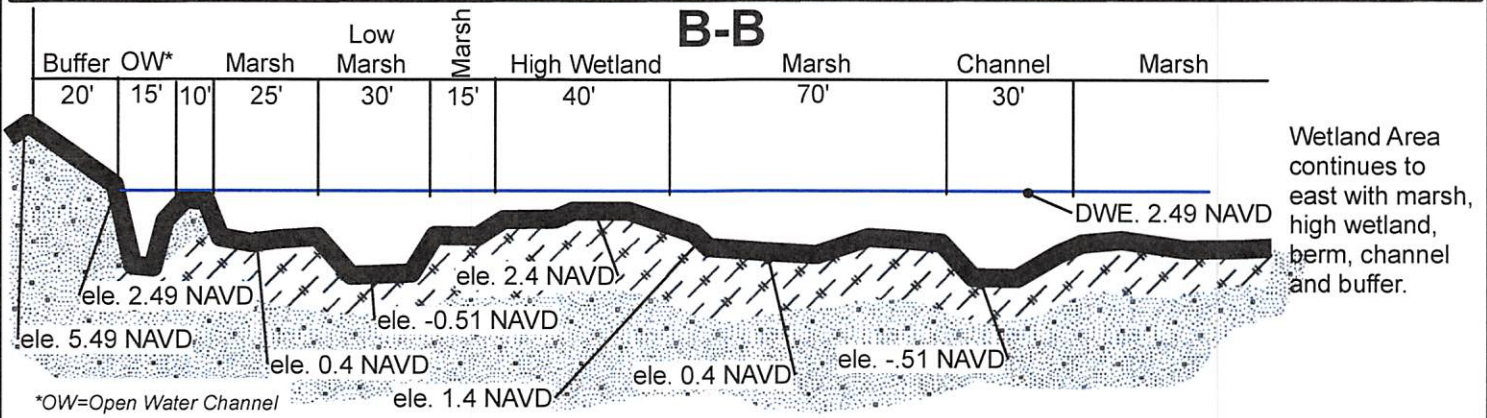
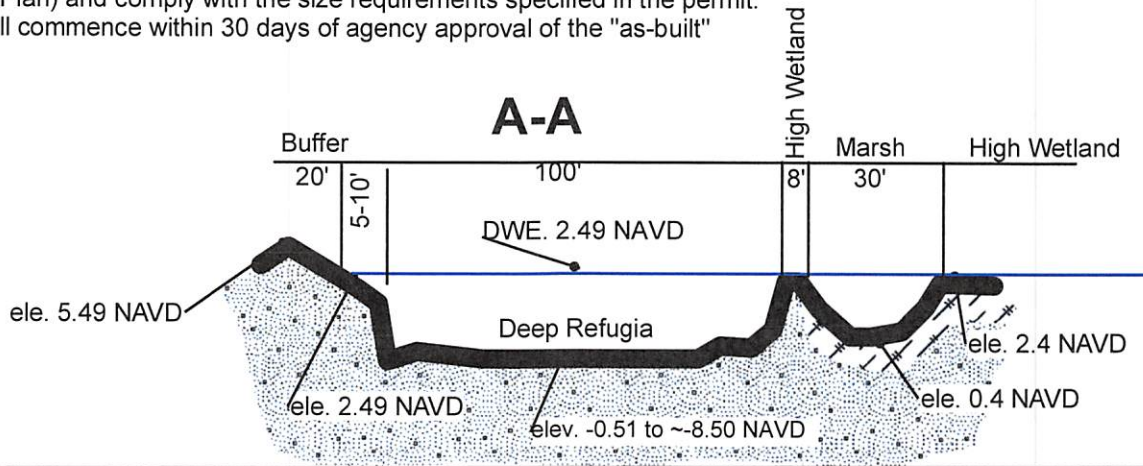
08/19/2013	Revised: 2/9/2014	J. J. Goldasich and Associates, Incorporated	Franklin Academy	ENV - 5
NOT TO SCALE		 Ecological Services Natural System Analysis (561) 883-9555 jjg@jgoldasich.com	PROPOSED Wetland Mitigation Buffer Broward County, Florida	



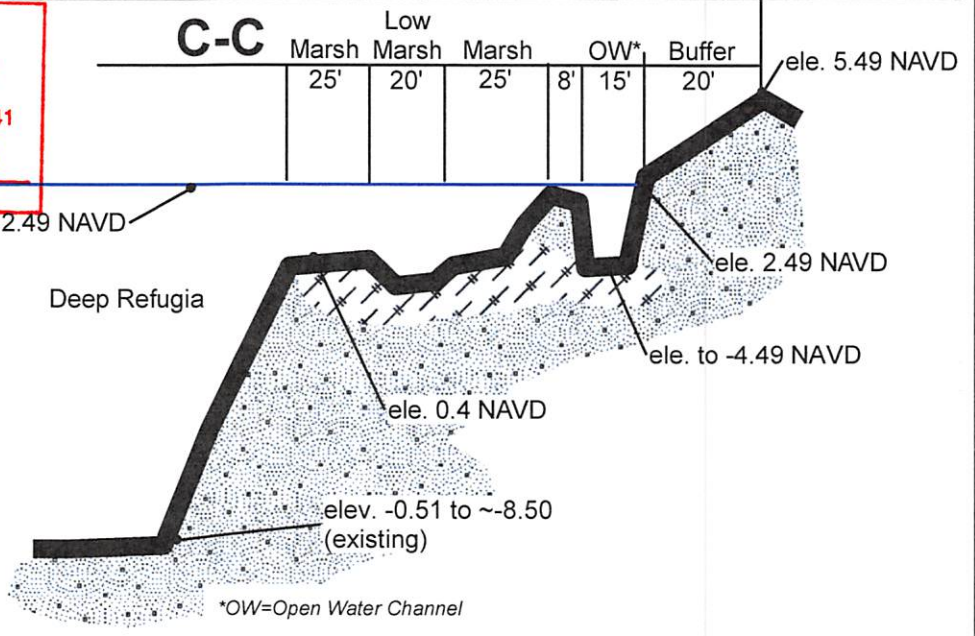
# Franklin Academy : Cross Sections

**NOTE:**

- 1). All wetland mitigation areas will be covered with a minimum of 1 foot of native wetland soils prior to planting. All wetland soils will come from the project site unless insufficient wetland soils are available onsite. If this condition should arise, suitable areas offsite will be selected for the wetland soils supply.
- 2). All wetland plants will be supplied from local native plant nurseries and suppliers. All plants will be installed according to the planting plan (Plan) and comply with the size requirements specified in the permit.
- 3). Planting will commence within 30 days of agency approval of the "as-built" survey.



**BROWARD COUNTY**  
**ENVIRONMENTAL PROTECTION AND**  
**GROWTH MANAGEMENT DEPARTMENT**  
**ENVIRONMENTAL RESOURCE LICENSE**  
**BROWARD COUNTY CODE 27-331 TO 27-341**  
**EXHIBIT 7**  
**ATTACHED TO LICENSE NO. DF13-1229**

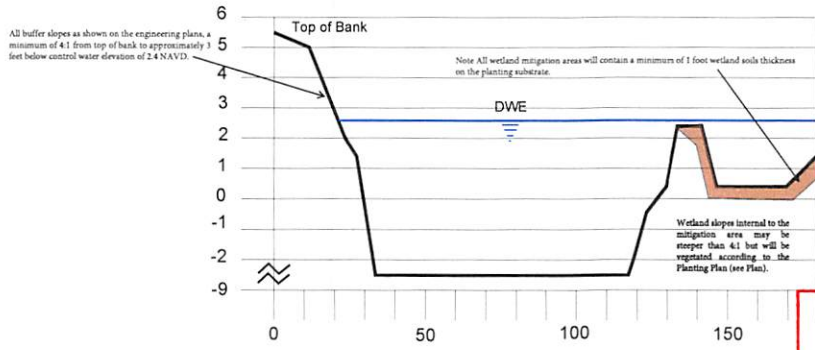


**Legend**

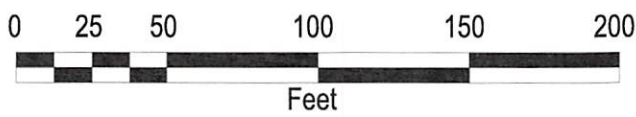
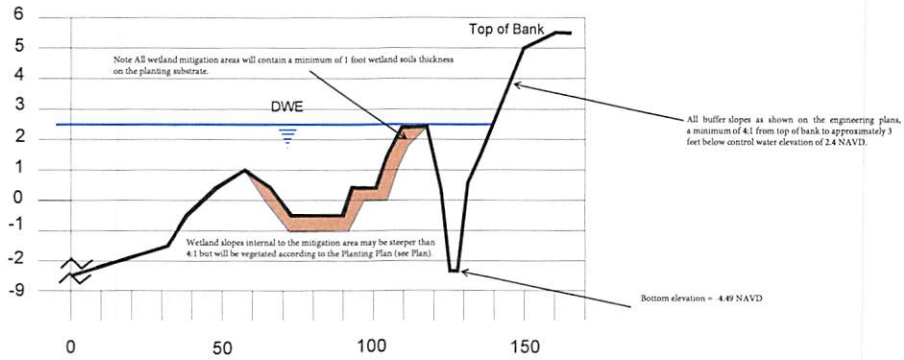
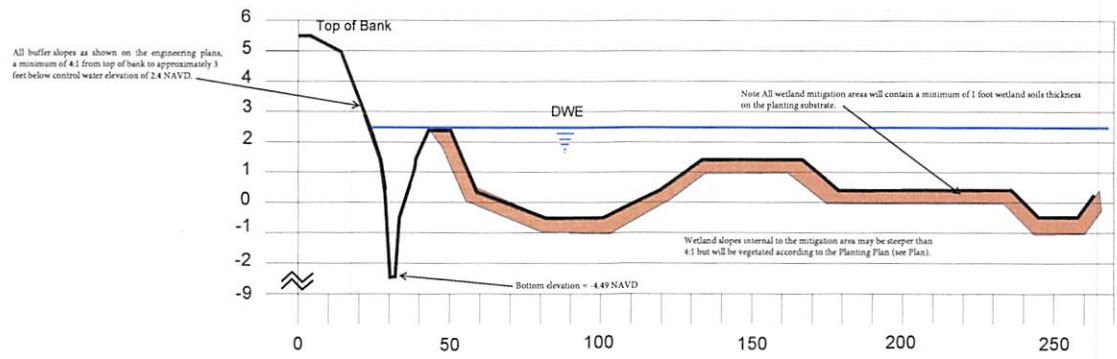
- Substrate
- Wetland Soil




# FRANKLIN SCHOOLS : PINES 6 - 12



**BROWARD COUNTY  
ENVIRONMENTAL PROTECTION AND  
GROWTH MANAGEMENT DEPARTMENT  
ENVIRONMENTAL RESOURCE LICENSE  
BROWARD COUNTY CODE 27-331 TO 27-341  
EXHIBIT 8  
ATTACHED TO LICENSE NO. DF13-1229**

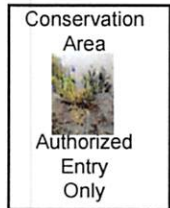


Current Drawing Date: 06/24/2014 Revisions # / Date: Add Wetland Soils / 15 MAY 2014 Add SFWMD slope notes / 24 JUNE 2014 Add SFWMD channel notes / 16 SEP 2014	J. J. Goldasich and Associates, Incorporated  jjg@goldasich.com      561.883.9555	Franklin schools : Pines 6 - 12 Typical Wetland Mitigation Area Cross Sections Pembroke Pines, Broward County, Florida	Wetland Cross Sections  <b>ENV 6a</b>
--	--	--	--

# Franklin Academy: Mitigation Plan

### Typical Conservation Area Sign

2 inches by 18 inches (actual sign design may vary)



**BROWARD COUNTY  
ENVIRONMENTAL PROTECTION AND  
GROWTH MANAGEMENT DEPARTMENT  
ENVIRONMENTAL RESOURCE LICENSE  
BROWARD COUNTY CODE 27-331 TO 27-341  
EXHIBIT TO LICENSE NO. JFB-1229**

Channel corners shallower to prevent sloughing of substrate into deep refugia

Perimeter Berm Elevation of 2.40 NAVD Extends Around Wetland & Required by Broward County

Location and number of snags & boulders approximate

### Legend (elevation)

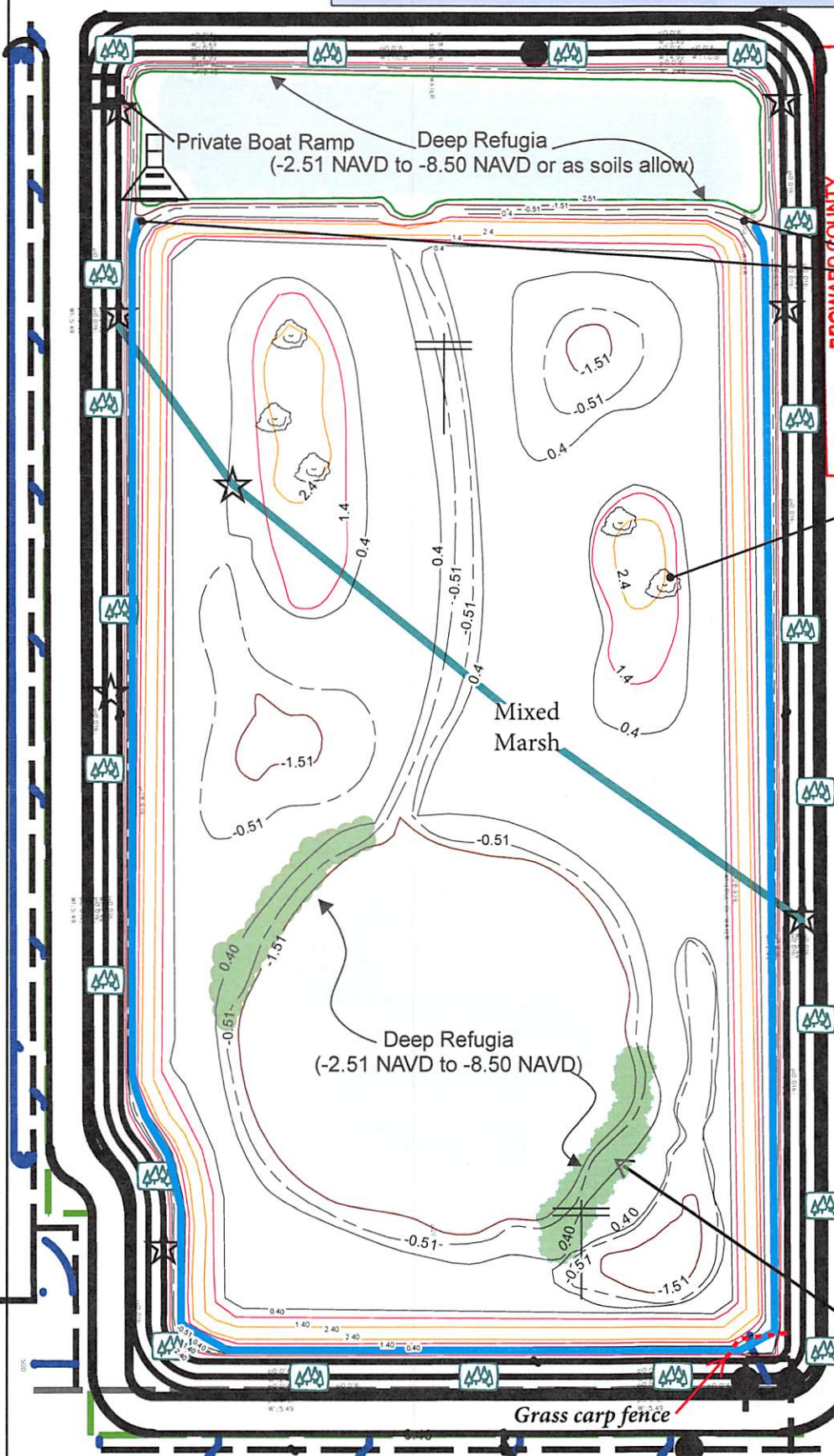
- 4.49 NAVD
- 1.51 NAVD
- 2.51 NAVD
- 0.51 NAVD
- 2.40 NAVD
- 0.40 NAVD
- 1.40 NAVD

### Legend

- Staff Gauge
- Nesting Platform (2)
- Photo Stations (8)
- Preserve Signs (21)
- Monitoring Transect (~600 LF + 1,200 LF perimeter)
- Snags and Boulders (5 minimum)
- Protected Littoral Area
- Deep Water (1.73 acres, per Broward County Requirements)



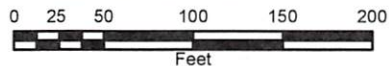
Non-native and otherwise undesirable vegetation to be removed by hand from the Littoral Protection Area and native understory plants will be installed (see Planting Plan)



08/19/2013

Revised: 05/12/2014

J. J. Golasich and Associates, Incorporated



Ecological Services  
Natural System Analysis



(561) 883-9555  
jig@jigoldasich.com

**Franklin Academy**

PROPOSED Wetland Mitigation Plan  
Broward County, Florida

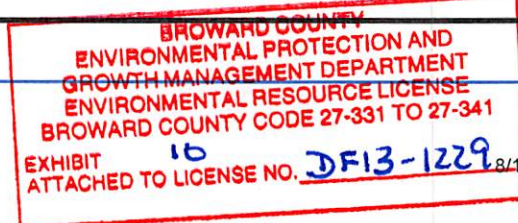
**ENV - 7**



1.2 Acre Planted Upland Buffer (trees)								
Taxa	Botanical Name	Spacing	Size	Total Number				~ Elevations (NAVD)
				Trees	Herbs	Vines	Shrubs	
red maple	<i>Acer rubrum</i>	10	7 gallon	29				2.4 to 3.0
red maple	<i>Acer rubrum</i>	10	10 gallon	15				2.4 to 5.0
cypress	<i>Taxodium distichum</i>	10	7 gallon	15				2.4 to 3.0
cypress	<i>Taxodium distichum</i>	10	10 gallon	15				2.4 to 3.0
laurel oak	<i>Quercus laurifolia</i>	10	10 gallon	73				3.0 to 5.49
laurel oak	<i>Quercus laurifolia</i>	10	7 gallon	15				3.0 to 5.49
slash pine	<i>Pinus elliotii</i>	10	7 gallon	73				3.0 to 5.49
slash pine	<i>Pinus elliotii</i>	10	10 gallon	73				3.0 to 5.49
Pond apple	<i>Annona glabra</i>	10	7 gallon	44				2.4 to 3.0
<b>Total Trees - Upland Buffer</b>				<b>350</b>				
1.2 Acre Planted Upland Buffer (Shrubs and Herbs)								
coco plum	<i>Chrysobalanus icaco</i>	5	3 gallon				40	2.5 to 3.0
button bush	<i>Cephalanthus occidentalis</i>	5	3 gallon				503	2.4 to 3.0
sunshine mimosa	<i>Mimosa strigillosa</i>	5	1 gallon			101		3.0 to 5.0
coreopsis	<i>Coreopsis lavenworthii</i>	5	liner		503			2.49 to 4.0
native wildflower mix	various (see notes)	Spread Throughout	seed-5 lbs					2.49 to 5.49
Spanish stopper	<i>Eugenia foetida</i>	5	3 gallon				40	3.0 to 5.0
yaupon holly	<i>Ilex vomitoria</i>	5	3 gallon				40	4.0 to 5.49
cord grass	<i>Spartina bakerii</i>	5	1 gallon		805			3.0 to 4.0
muhly grass	<i>Muhlenbergia capillaris</i>	5	1 gallon		402			2.0 to 2.4
firebush	<i>Hamelia patens</i>	5	3 gallon				302	3.0 to 5.0
Myrsine	<i>Myrsine cubana</i>	5	7 gallon				201	4.0 to 5.49
<b>Total Shrubs / Herbaceous Plants - Planted Buffer</b>					<b>1,710</b>	<b>101</b>	<b>1,127</b>	
High Wetland (1.0 Ac.)								
red maple	<i>Acer rubrum</i>	10	10 gallon	29				2.0 to 2.4
red maple	<i>Acer rubrum</i>	10	7 gallon	15				2.4
cypress	<i>Taxodium distichum</i>	10	7 gallon	58				2.0 to 2.4
cypress	<i>Taxodium distichum</i>	10	10 gallon	29				2.4
red bay	<i>Persea borbonia</i>	10	7 gallon	15				2.4
dahoon holly	<i>Ilex cassine</i>	10	7 gallon	29				2.4
dahoon holly	<i>Ilex cassine</i>	10	10 gallon	29				2.4
Pond apple	<i>Annona glabra</i>	10	7 gallon	15				2.0
marsh horsetail	<i>Equisetum hyemale</i>	3	1 gallon		559			2.0 to 2.4
leather fern	<i>Acrostichum danaeifolium</i>	3	1 gallon		559			2.0
swamp fern	<i>Blechnum serrulatum</i>	3	1 gallon		1,676			3.0 to 3.5
pickerel weed	<i>Pontederia cordata</i>	3	bare root		2,793			1.0 to 2.4
cord grass	<i>Spartina bakerii</i>	3	1 gallon			1006		2.4
canna lily	<i>Canna x generalis</i>	3	1 gallon		279			2.4
spider lily	<i>Hymenocallis latifolia</i>	3	1 gallon		279			2.0 to 2.4
button bush	<i>Cephalanthus occidentalis</i>	3	3 gallon				279	2.0 to 2.4
blue flag iris	<i>Iris virginica</i>	3	1 gallon		279			2.0 to 2.4
<b>Total Plants - High Wetland</b>				<b>219</b>	<b>6,423</b>	<b>0</b>	<b>1,285</b>	
3.7 Ac. Marsh and 0.5 Ac. Low Marsh								
blue flag iris	<i>Iris virginica</i>	3	1 gallon		1,117			2.0 to 2.4
duck potato	<i>Sagittaria latifolia</i>	3	bare root		1,676			0.4 to 2.0
pickerel weed	<i>Pontederia cordata</i>	3	bare root		4,189			1.0 to 2.4
gator flag	<i>Thalia geniculata</i>	3	bare root		2,793			-0.51 to 1.0
spike rush	<i>Eleocharis cellulosa</i>	3	bare root		5,585			0.4 to 2.0
canna lily	<i>Canna x generalis</i>	3	bare root		1,117			2.0 to 2.4
marsh horsetail	<i>Equisetum hyemale</i>	3	1 gallon		279			2.4
giant bulrush	<i>Schoenoplectus californicus</i>	3	bare root		1,676			-0.51 to 2.0
sawgrass (Jamaica)	<i>Cladium jamaicense</i>	3	liner		1,117			2.0 to 2.4
softstem bulrush	<i>S. tabernaemontani</i>	3	bare root		1,117			2.0 to 2.4
<b>Total Emergent Plants - Marsh and Low Marsh</b>					<b>20,665</b>	<b>0</b>	<b>0</b>	
0.9 Ac. Channel Areas, Low Marsh and Refugia								
Tape grass	<i>Vallisneria americana</i>	5	bare root		503			-1.0 to 0.4
Bladderwort	<i>Utricularia spp.</i>	5	bare root		503			-1.0 to 0.4
Water lily	<i>Nymphaea odorata</i>	5	bare root		101			-1.0 to 0.4
<b>Total Submergent Plants - Channels, Low Marsh and Refugia</b>					<b>1,107</b>	<b>0</b>	<b>0</b>	

NOTE: Total acreage for each community type should be taken from the environmental and engineering drawings and the community type planting headers shown on this Table. Plants may migrate to elevations other than those shown for initial planting elevations. Plant substitutions allowed only with District approval. DWE = 2.49 NAVD.

Installed plant density will be as follows: 15' OC = 224 plants / acre; 10' OC = 292 plants/acre; 5' OC = 2,012 plants/acre; 3' OC=5,585 plants/acre; 2' OC=12,590 plants/acre. Florida Native Wildflower seed mix will include the following species: *Chamaecrista fasciculata*, *Coreopsis lanceolata*, *C. leavenworthii*, *Gallardia pulchella*, *Solidago stricta*, *Andropogon virginicus*, *Eragrostis elliotii*, *Eragrostis spectabilis*, *Hibiscus grandiflorus*, *Chamaecrista fasciculata*, *Polygonella polygama*, *Sorghastrum secundum*, *Solidago fistulosa*, *Verbesina virginica*, *Gallardia pulchella*, *Liatris gracilis*, *Schizochyrium scoparium*.





**BROWARD COUNTY  
ENVIRONMENTAL PROTECTION AND  
GROWTH MANAGEMENT DEPARTMENT  
ENVIRONMENTAL RESOURCE LICENSE  
BROWARD COUNTY CODE 27-331 TO 27-341**

EXHIBIT 11  
ATTACHED TO LICENSE NO. **DF13-1229**

Environmental Resource Permit (ERP) and  
Environmental Resource License (ERL)  
Planting Plan

Franklin Schools; Pines  
Onsite Mitigation Planting Quantities

Table 2  
7/29/2015

1.2 Acre Planted Upland Buffer (trees)								
Taxa	Botanical Name	Spacing	Size	Total Number				~ Elevations (NAVD)
				Trees	Herbs	Vines	Shrubs	
red maple	<i>Acer rubrum</i>	10	7 gallon	29				2.4 to 3.0
red maple	<i>Acer rubrum</i>	10	10 gallon	15				2.4 to 5.0
cypress	<i>Taxodium distichum</i>	10	7 gallon	15				2.4 to 3.0
cypress	<i>Taxodium distichum</i>	10	10 gallon	15				2.4 to 3.0
laurel oak	<i>Quercus laurifolia</i>	10	10 gallon	73				3.0 to 5.49
laurel oak	<i>Quercus laurifolia</i>	10	7 gallon	15				3.0 to 5.49
slash pine	<i>Pinus elliotii</i>	10	7 gallon	73				3.0 to 5.49
slash pine	<i>Pinus elliotii</i>	10	10 gallon	73				3.0 to 5.49
Pond apple	<i>Annona glabra</i>	10	7 gallon	44				2.4 to 3.0
<b>Total 1.2 acre Upland Buffer Trees</b>				<b>350</b>				

1.2 Acre Planted Upland Buffer (Shrubs and Herbs)								
coco plum	<i>Chrysobalanus icaco</i>	5	3 gallon				40	2.5 to 3.0
button bush	<i>Cephalanthus occidentalis</i>	5	3 gallon				503	2.4 to 3.0
sunshine mimosa	<i>Mimosa strigillosa</i>	5	1 gallon			101		3.0 to 5.0
coreopsis	<i>Coreopsis laevifolia</i>	5	liner		503			2.49 to 4.0
native wildflower mix	<i>various (see notes)</i>	Spread throughout	seed-5 lbs					2.49 to 5.49
Spanish stopper	<i>Eugenia foetida</i>	5	3 gallon				40	3.0 to 5.0
yaupon holly	<i>Ilex vomitoria</i>	5	3 gallon				40	4.0 to 5.49
cord grass	<i>Spartina bakerii</i>	5	1 gallon		805			3.0 to 4.0
muhly grass	<i>Muhlenbergia capillaris</i>	5	1 gallon		402			2.0 to 2.4
firebush	<i>Hamelia patens</i>	5	3 gallon				302	3.0 to 5.0
Myrsine	<i>Myrsine cubana</i>	5	7 gallon				201	4.0 to 5.49
<b>Total Shrubs / Herbaceous Plants - Planted Buffer</b>					<b>1,710</b>	<b>101</b>	<b>1,127</b>	

High Wetland (1.0 Ac.)								
red maple	<i>Acer rubrum</i>	10	10 gallon	29				2.0 to 2.4
red maple	<i>Acer rubrum</i>	10	7 gallon	15				2.4
cypress	<i>Taxodium distichum</i>	10	7 gallon	58				2.0 to 2.4
cypress	<i>Taxodium distichum</i>	10	10 gallon	29				2.4
red bay	<i>Persea borbonia</i>	10	7 gallon	15				2.4
dahoon holly	<i>Ilex cassine</i>	10	7 gallon	29				2.4
dahoon holly	<i>Ilex cassine</i>	10	10 gallon	29				2.4
Pond apple	<i>Annona glabra</i>	10	7 gallon	15				2.0
<b>Total 1 Acre High Wetland @ 10' OC Spacing</b>				<b>219</b>				

marsh horsetail	<i>Equisetum hyemale</i>	3	1 gallon		559			2.0 to 2.4
leather fern	<i>Acrostichum danaeifolium</i>	3	1 gallon		559			2.0
swamp fern	<i>Blechnum serrulatum</i>	3	1 gallon		1,676			3.0 to 3.5
pickerel weed	<i>Pontederia cordata</i>	3	bare root		2,793			1.0 to 2.4
cord grass	<i>Spartina bakerii</i>	3	1 gallon			1006		2.4
canna lily	<i>Canna x generalis</i>	3	1 gallon		279			2.4
spider lily	<i>Hymenocallis latifolia</i>	3	1 gallon		279			2.0 to 2.4
button bush	<i>Cephalanthus occidentalis</i>	3	3 gallon			279		2.0 to 2.4
blue flag iris	<i>Iris virginica</i>	3	1 gallon		279			2.0 to 2.4
<b>Total 1 Acre High Wetland @ 3' OC Spacing</b>					<b>279</b>		<b>1,285</b>	

3.7 Ac. Marsh and 0.5 Ac. Low Marsh								
blue flag iris	<i>Iris virginica</i>	3	1 gallon		1,117			2.0 to 2.4
duck potato	<i>Sagittaria latifolia</i>	3	bare root		1,676			0.4 to 2.0
pickerel weed	<i>Pontederia cordata</i>	3	bare root		4,189			1.0 to 2.4
gator flag	<i>Thalia geniculata</i>	3	bare root		2,793			-0.51 to 1.0
spike rush	<i>Eleocharis cellulosa</i>	3	bare root		5,585			0.4 to 2.0
canna lily	<i>Canna x generalis</i>	3	bare root		1,117			2.0 to 2.4
marsh horsetail	<i>Equisetum hyemale</i>	3	1 gallon		279			2.4
giant bulrush	<i>Schoenoplectus californicus</i>	3	bare root		1,676			-0.51 to 2.0
sawgrass (Jamaica)	<i>Cladium jamaicense</i>	3	liner		1,117			2.0 to 2.4
softstem bulrush	<i>S. tabernaemontani</i>	3	bare root		1,117			2.0 to 2.4
<b>Total Emergent Plants - Marsh and Low Marsh</b>					<b>20,665</b>	<b>0</b>	<b>0</b>	

0.9 Ac. Channel Areas, Low Marsh and Refugia								
Tape grass	<i>Vallisneria americana</i>	5	bare root		503			-1.0 to 0.4
Bladderwort	<i>Utricularia spp.</i>	5	bare root		503			-1.0 to 0.4
Water lily	<i>Nymphaea odorata</i>	5	bare root		101			-1.0 to 0.4
<b>Total Submergent Plants - Channels, Low Marsh and Refugia</b>					<b>1,107</b>	<b>0</b>	<b>0</b>	

NOTES:

Installed plant density will be as follows: 15' OC = 224 plants / acre; 10' OC = 292 plants/acre; 5' OC= 2,012 plants/acre; 3' OC=5,585 plants/acre; 2' OC=12,590 plants/acre. Florida Native Wildflower seed mix will include the following species: *Chamaecrista fasciculata*, *Coreopsis lanceolata*, *C. leavenworthii*, *Gallardia pulchella*, *Solidago stricta*, *Andropogon virginicus*, *Eragrostis elliotii*, *Eragrostis spectabilis*, *Hibiscus grandiflorus*, *Chamaecrista fasciculata*, *Polygonella polygama*, *Sorghastrum secundum*, *Solidago fistulosa*, *Verbesina virginica*, *Gallardia pulchella*, *Liatris gracilis*, *Schizachyrium scoparium*. Plants may migrate to elevations other than those shown for initial planting elevations. Plant substitutions allowed only with District approval. DWE = 2.49 NAVD.

PRELIMINARY ESTIMATES  
SUBJECT TO CHANGE

Franklin Academy Mitigation Cost Estimate  
Pembroke Pines 6 - 12 School  
7/29/2014

Table 2

Action	Site	Cost	Project Total
Clear Vegetation	Throughout mit area	\$2,500.00	
Mitigation Area Scraping	Throughout mit area (~10K cu. yd.)	\$120,000.00	
Final (touch-up) Grade Mitigation Area	Throughout mit area	\$10,000.00	
Install New Vegetation	FW Marsh (2 & 3 ft. O.C.)(0.4 - 1.4 NAVD)	\$74,000.00	
Install New Vegetation	Low Marsh (2 ft. OC) (-1.51 to 0.40 NAVD)	\$37,000.00	
Install New Vegetation	High Marsh (2 ft. OC)(3.0 - 3.8 NGVD)	\$28,000.00	
Install New Vegetation	Upland Buffer (3-10 ft. OC)(2.49 to 5.49 NAVD)	\$24,000.00	
Install Irrigation for Upland Buffer	Upland Buffer (as needed)	\$500.00	
<b>Total Planting &amp; Construction</b>			
Ongoing Irrigation / Maintenance (5 yrs)	Marsh, Berm, Buffer	\$40,000.00	
Monitoring Year 1	Marsh, Berm, Buffer	\$5,500.00	
Monitoring Years 2 - 3	Marsh, Berm, Buffer	\$4,400.00	
Monitoring Years 4 - 5	Marsh, Berm, Buffer	\$2,400.00	
<b>Total Monitoring &amp; Maintenance (5 yrs)</b>			\$52,300.00
Project Total			\$348,300.00
<b>Total + Contingency 10%</b>			<b>\$383,130.00</b>

NOTE: Vegetative maintenance of the mitigation area will be conducted on a monthly basis for the first year and quarterly for the remaining four years of the five year mitigation area monitoring period.

BROWARD COUNTY  
ENVIRONMENTAL PROTECTION AND  
GROWTH MANAGEMENT DEPARTMENT  
ENVIRONMENTAL RESOURCE LICENSE  
BROWARD COUNTY CODE 27-331 TO 27-341  
EXHIBIT 12  
ATTACHED TO LICENSE NO. DF13-1229



Sec. 27-14. Administrative review of EPD determinations.

- (a) A person with a substantial interest may file a petition to request review of or to intervene in a review of a final administrative determination made pursuant to this chapter concerning:
  - (1) The requirement that a facility or activity obtain a license or environmental review approval.
  - (2) Interpretations of license or environmental review approval conditions.
  - (3) Interpretations of variance conditions.
  - (4) The decision to suspend or revoke a license or environmental review approval.
  - (5) The requirement of certain license conditions.
  - (6) The issuance of a license or environmental review approval.
  - (7) The denial of a license or environmental review approval.
  - (8) The scope of a license or environmental review approval, geographic or otherwise.
  - (9) The scope of a variance, geographic or otherwise.
  - (10) The issuance of a stop work order.
  - (11) Similar final administrative determinations.

This administrative review procedure shall be the only means of review available for the above final administrative determinations by either the petitioner or the intervenor (the parties).

- (b) person may not obtain review by this procedure of:
  - (1) The issuance or adjudication of or other matters involving a notice of violation or a citation.
  - (2) Internal policy decisions
- (c) A person desiring a review of a staff determination made pursuant to this Chapter shall first bring the determination to the attention of the appropriate section supervisor to attempt to resolve the matter. If a resolution cannot be reached, then the decision shall be reviewed by successive supervisory levels until the issue is resolved or reaches the level of the director or his or her designee for the final determination.
- (d) A person desiring administrative review of a final determination made by the director or the designee shall file a petition with the director for review by the hearing examiner. The petition shall be filed within ten (10) days from the rendition of the action taken or of the decision made by the director. An entity whose license or approval is being challenged shall be a party to the action.
- (e) The review shall not be heard until the provisions of subsection (f) are met. Upon motion to the hearing examiner, an insufficient petition shall be dismissed with or without leave to refile. If a petition is determined to be insufficient by the hearing examiner and the petitioner has been given leave to refile by the hearing examiner, unless otherwise ordered by the hearing examiner, the petitioner must refile within ten (10) days of the rendition of the order of dismissal or the petition will be dismissed with prejudice.
- (f) A sufficient petition for review or petition for intervention in the review shall, at a minimum, contain the following information:
  - (1) The nature of the determination sought to be reviewed.

- (2) A short, plain statement of the facts which form the subject matter upon which the determination was made as asserted by all parties of record at the time that the petition is filed; a statement of the material facts in dispute, if any. If any party is unable to state the matters in sufficient detail at the time initial petition is filed, the petition may be limited to a statement of the issues involved; and thereafter, upon timely written motion, a more definite and detailed statement shall be furnished not less than seven (7) days prior to the date set for the hearing.
  - (3) The specific determination for which the review is sought.
  - (4) The specific legal grounds upon which the parties seek review of the determination.
  - (5) A short statement of the petitioner's or the intervenor's substantial interest in the matter to be reviewed.
  - (6) The specific section of this chapter on which the decision is based, if known, and the specific section that the parties allege should control the decision, if known.
  - (7) A copy of the director's or the designee's written final determination.
  - (8) A statement of the relief requested stating precisely the action that the petitioner wants EPD to take with respect to the final determination.
- (g) All pleadings or other documents filed in the proceeding must be signed by a party, the party's attorney, or the party's qualified representative. The signature of a party, the party's attorney or a party's qualified representative constitutes a certificate that he or she has read the pleading or other document and that to the best of his or her knowledge, information, and belief formed after reasonable inquiry, it is not brought for any improper purposes, such as to harass or to cause unnecessary delay or for frivolous purpose or needless increase in the cost of litigation. If a pleading or other document is signed in violation of these requirements, the hearing examiner, upon motion or his or her own initiative, shall dismiss the matter.
- (h) A petitioner or intervenor may request an emergency hearing to stay all activities or work conducted pursuant to the challenged license or approval. Such petitioner or intervenor has the burden of proof to show by a preponderance of the evidence that the continued activities would cause substantial pollution or degradation to the environment. An emergency hearing shall be scheduled by EPD and be held within five (5) days of said request or as soon thereafter as possible subject to the availability of the hearing examiner. The petitioner or intervenor shall comply with the notice provisions of section 27-14(j)(2)a. and c. and section 27-14(j)(3) and (4) of this chapter.
- (i) The petition for review will not stay environmental protection activities required for the remediation or mitigation of a site or facility, the protection of the environment or the health, safety and welfare of the citizens of Broward County, or the prevention of further environmental degradation. The person responsible for these activities must take all necessary steps to prevent environmental degradation and must conduct the remediation or mitigation activities required by this chapter. The director may allow these activities to be delayed until after the hearing examiner's decision by certifying to the hearing examiner that, by reason of facts stated in the certificate, a delay in the initiation or completion of these activities would not cause substantial environmental degradation or peril to life or property. The delay for conducting these activities may be subject to appropriate terms to ensure protection of the environment. The person responsible for these activities shall be responsible for any environmental damage or any violation of this chapter caused by the delay.
- (j) Notice and Scheduling Requirements:



- (1) The hearing on the review shall be scheduled within a reasonable time. It shall be the responsibility of the petitioner to request through EPD that the hearing date be scheduled. It shall also be the responsibility of the petitioner to give notice in accordance with this section at least ten (10) days prior to the hearing.
- (2) The petitioner shall give notice of the hearing by:
  - a. Giving personal notice to all proper parties; and
  - b. Publishing notice on two (2) days in a newspaper of general circulation in the county; and
  - c. Posting notice at a location determined by the Broward County Administrator's Office.
- (3) The petitioner shall bear the cost of giving notice.
- (4) The notice shall contain, at a minimum:
  - a. A description and location of the facility or the activity to be conducted by the petitioner; and
  - b. The time and place of the hearing.
- (k) The petitioner shall bear the cost of accurately and completely preserving all testimony and providing full or partial transcripts to all parties.
- (l) The hearing shall be a quasi-judicial hearing.
  - (1) The applicant/petitioner requesting the administrative review, any intervenor/petitioner and EPD shall have an opportunity to respond to and to present witnesses, other evidence and argument on all issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of facts and orders, and to be represented by counsel. Members of the general public who are not intervenors as set forth in Section 27-14 of this chapter are not parties to the proceeding.
  - (2) When appropriate, the general public may be given an opportunity to present oral or written communications. If the hearing examiner proposes to consider such material, then all parties shall be given an opportunity to cross-examine, challenge or rebut it.
- (m) Denial, protest of, revocation, or suspension of a license, environmental review approval, or any other approval:
  - (1) In regard to denial or protest of approval of a license and any other review of an administrative decision, notwithstanding (2) below, the petitioner shall have the burden of showing, by a preponderance of the evidence, that the determination of the director was an arbitrary and/or capricious abuse of discretion, not supported by competent, substantial evidence or not in conformance with the essential requirements of this chapter. The hearing examiner shall not substitute his or her judgment for that of EPD on an issue of discretion even though the hearing examiner may have reached a different conclusion based on the same facts.
  - (2) In an action to revoke or suspend a valid license or approval, the burden shall be upon EPD to prove, by a preponderance of the evidence in an administrative hearing, the grounds for revocation or suspension. The license holder or approval recipient shall be provided notice of the hearing and a copy of the petition stating the grounds for revocation or suspension as provided in section 27-63 of this chapter. The petition shall state with specificity the acts complained of in order to allow the license holder or

approval recipient an opportunity to prepare a defense. The hearing shall be conducted in accordance with the provisions of Section 27-37 of this chapter.

- (n) Findings of fact shall be based exclusively on the evidence of record and on matters officially recognized.
- (o) If the hearing examiner finds that the director or his or her designee has erroneously interpreted a provision and that a correct interpretation compels a particular action, he or she shall remand the case to the director or his or her designee for further action under a correct interpretation of the provision.
- (p) The hearing examiner shall complete and submit to the director and all parties a final order consisting of his or her findings of fact and conclusions of law.
- (q) A party to the hearing may obtain appellate review of the final order as provided by section 27-42 of this chapter.
- (r) A petitioner or intervenor shall pay a filing fee at the time the application for review is filed. The amount of the filing fee shall be set by resolution of the Board.

(Ord. No. 2003-34, § 1, 9-23-03; Ord. No. 2005-08, § 2.03, 4-26-05)  
Secs. 27-15--27-19. Reserved.