



# *M. J. Nichols & Associates, LLC*

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October 10, 2022

Morgan Reins  
Section Leader  
Natural Resource Management  
Environmental Resource Bureau  
South Florida Water Management District  
3301 Gun Club Road  
West Palm Beach, Florida 33406

**RE: RAI RESPONSE/ APPLICATION NO. 220513-34428  
LOT 20 PINE CREEK SPORTING CLUB  
SECTIONS 25 & 36, TWP 34S, RGE 35E  
OKEECHOBEE COUNTY, FLORIDA  
MJN PROJECT NO. 22-264**

Dear Morgan:

This letter is a response to the items in your RAI dated March 17, 2023. Please see comments and responses listed below:

1. We are in receipt of \$250; however, the application for the proposed project will be processed as an Individual permit modification. Therefore, an additional permit fee of \$4,250 will be required. Please note that additional fees may be required based upon the acreage of work in, on or over wetlands and/or other surface waters (40E-1.607, F.A.C.). Once District staff are able to confirm the remaining fee due, please submit a check for the outstanding balance in order to allow processing of this application to continue. Payment of application fees can be done by credit card on the District's ePermitting website, or by check. If submitted by check, please make the check payable to the South Florida Water Management District and please reference Application No. 220513-34428 in the memo section of the check to ensure adequate processing. [Rule 62-330.071, F.A.C.]

**Response: Please let us know at your earliest convenience the amount of any remaining fees.**

2. Please clarify whether the applicant is proposing to amend the conservation easement so an equivalent exchange of wetland area with comparable wetland functions is realized. A site inspection was completed by District staff on July 8, 2022. The site inspection confirmed that the vegetation within the conservation easement was cleared and the land was filled between 2017 and 2021 during lot development and has resulted in a net reduction in the area of conservation easement which was previously permitted. Additionally, the District has confirmed that the upland area proposed as a replacement for the amended conservation easement area is not an

equivalent exchange and would constitute a net loss of wetland functions. Consequently, District staff will not support a recommendation for approval of the current request to amend the conservation easement as proposed. Please submit a revised proposal that provides an equivalent exchange of wetland functions. [Section 10.3.8, ERP AH Vol. I]

**Response: Please see attached plan that we understand has been approved by the District. Now that that has occurred, we will obtain authorization from the POA to amend the restrictive covenant.**

3 Please submit a revised, completed Section C (Supplemental Information for Works or Other Activities In, On, or Over Wetlands and/or Other Surface Waters) specifically describing wetland or other surface water impacts, environmental considerations, plans, and completed tables for review. The District has confirmed that direct and secondary wetland impacts have occurred. [Form No. 62-330.060(1)]

**Response: Please refer to plans and ancillary information submitted by Pine Creek Sporting Club HOA's environmental consultant.**

4. Please explore practicable design modifications to reduce or eliminate adverse impacts to wetland functions. This application does not sufficiently demonstrate that the applicant has adequately pursued site plan alternatives that eliminate and/or reduce impacts to wetland functions. Please submit supporting documentation to show how elimination and reduction was achieved. This may require restoration of existing wetland impacts. [Section 10.2.1, ERP AH Vol. I]

**Response: Please refer to plans and ancillary information submitted by Pine Creek Sporting Club HOA's environmental consultant and specifically restoration plans for Lot 20 Pine Creek Sporting Club.**

5. Please submit a restoration plan or a mitigation plan that meets the requirements of Section 10.3, ERP AH Vol. I. Once elimination and reduction of wetland impacts is demonstrated, mitigation to offset any remaining direct and secondary impacts to wetland functions will be required.

**Response: Please refer to plans and ancillary information submitted by Pine Creek Sporting Club HOA's environmental consultant and specifically restoration plans for Lot 20 Pine Creek Sporting Club by us.**

6. Please provide a cost estimate for the proposed mitigation plan. If the wetland mitigation construction, monitoring and maintenance cost exceeds \$25,000.00, a financial assurance mechanism will be required. The financial assurance mechanism must be in accordance with Section 10.3.7.4, ERP AH Vol. I. Financial assurance forms adopted by rule can be found on the District's website. [Section 10.3.7, ERP AH Vol. I; Form 62-330.060(1), F.A.C.]

**Response: Please refer to cost estimate submitted by Pine Creek Sporting Club HOA's environmental consultant.**

7. Pursuant to Section 10.3.3.2(k)(l)(m), ERP AH Vol. I, please provide a monitoring plan for the proposed wetland mitigation project to include, at a minimum:

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- a. location map for established vegetation transects, panoramic photo stations and rain/staff gauges or continuous water level recorders;
- b. procedures for obtaining and reporting weekly water level readings and/or annual hydrographs;
- c. observations of fish/wildlife utilization and sampling for aquatic macrofauna, including invasive exotic fauna;
- d. summary of the overall data;
- e. an evaluation of the general trend of the mitigation/maintenance effort, supported by the data in comparison with the success criteria;
- f. schedule for submitting reports for a period of 5 years; and
- g. calendar schedule of completion dates for all mitigation and monitoring activities. A sample monitoring report format is attached for your reference.

**Response: Please refer to information submitted by Pine Creek Sporting Club HOA's environmental consultant.**

8. Please provide application form Section A with an authorized signature for the Pine Creek Sporting Club Homeowners Association, Inc. requesting the permit be issued to them as a co-permittee. We are in receipt of your response stating "The Property that is the subject of the restrictive covenant is entirely within the property owned by the Ronald Romeo 2012 Family Trust and does not involve any common area." According to the Declaration of Protective Covenants for the Pine Creek Sporting Club recorded in the Okeechobee County public record under OR BK 659 PG 1381, Section 3.19 Maintenance of Common Area and Section 7.17 Wetlands, the Pine Creek Sporting Club Homeowners Association, Inc. is responsible for the Conservation Easement. [Section 4.2.3(d), ERP AH Vol. I]

**Response: Please refer to information submitted by Pine Creek Sporting Club HOA's environmental consultant.**

Should you have any questions or need further information please give me a call.

Sincerely,



Michael J. Nichols, C.E.P.

Attachments:

cc : John Cochran  
John Fumero

M. J. Nichols & Associates, LLC