

# **PRESERVE AREA MANAGEMENT PLAN**

## **MARTIN COUNTY GROWTH MANAGEMENT DEPARTMENT ENVIRONMENTAL DIVISION**



**Paradise Lake PUD**

**HEISENBERG FAMILY FINANCIAL INVESTMENTS LLC**

**SE 138th Street**

**Hobe Sound, FL**

**32-39-42-000-000-00300-0**

**32-39-42-000-000-00301-0**

**Approved by/Record number: \_\_\_\_\_**

# **PART I**

## **ENVIRONMENTAL ASSESSMENT**

### **1. Introduction - Property Description and History**

The purpose of this PAMP is to preserve and manage wetlands and native uplands on site. The Martin County Property Appraiser lists the property as parcel ID: 32-39-42-000-000-00300-0 and 32-39-42-000-000-00301-0. The property is located on SE 138th Street in Hobe Sound, FL and is listed by the Martin County Property Appraiser as containing a total of 71.14 acres.

The preserve area, which includes forested wetlands, wetland buffer, and additional upland preserve, are located on all sides of the property. All exotic vegetation will be removed from the preserve area with restoration and maintenance work as needed in accordance with the restoration plan and site plan.

2. **Environmental/Ecological Description and Summary**

1300 - Pine Flatwoods 16.19 acres

2200 - Freshwater Forested Wetlands 32.48 acres

1831 - Rural Open 20.74 acres (of which approx. 1.8 acres are 3200 - Artificial Lakes and Ponds)

1123 - Live Oak 1.2 acres

4200 Canal/Ditch 0.53 acres

**a. Soils**

Winder Sand, frequently ponded, 0 to 1 percent slopes – 13.7 acres

Riviera fine sands, frequently ponded, 0 to 1 percent slopes – 22.5 acres

Pineda-Riviera fine sands association, 0 to 2 percent slopes – 11.1 acres

Arents, 0 to 2 percent slopes - 6.6 acres

Pinellas fine sand, 0 to 2 percent slopes - 1.8 acres

Malabar fine sand, high, 0 to 2 percent slopes - 16.7 acres

**b. Wetland habitat(s)**

2200 - Freshwater Forested Wetlands 32.48 acre

Wetland #1 70% exotic

Wetland #2 90% exotic

Wetland #3 40% exotic

Wetland #4 80% exotic

Beaksedge (*Rhynchospora spp.*)

Carpetgrass (*Axonopus spp.*)

Pipewort (*Eriocaulon spp.*)

Bluestem (*Andropogon glomeratus*)

Swamp Fern (*Blechnum serrulatum*)Maidencane (*Panicum hemitomon*)

Note that between wetland 1 and 2 there was an existing filled area that will be restored back to wetlands as part of this project.

**c. Native Upland habitat(s)**

1300 - Pine Flatwoods 16.19 acres, of which 13.37 acres are wetland buffer (40% exotic)

FNAI Global and State Rank: G4/S4

Slash Pine (*Pinus elliottii*)

Saw Palmetto (*Serenoa repens*)

Live Oak (*Quercus virginiana*)

Laurel Oak (*Quercus laurifolia*)

Gallberry (*Ilex glabra*)

Bracken Fern (*Pteridium aquilinum*)

1123 - Live Oak 1.2 acres, of which 1.2 acres will be preserved. (30% exotic)

FNAI Global and State Rank: G3/S3

Live Oak (*Quercus virginiana*)

Saw Palmetto (*Serenoa repens*)

Gallberry (*Ilex glabra*)

Bracken Fern (*Pteridium aquilinum*)

**d. Other Land Uses**

4200 Canal/Ditch 0.53 acres

1831 - Rural Open 20.74 acres (of which approx 1.8 acres are 3200 - Artificial Lakes and

Ponds) (90% exotic)

**e. Observed Listed/Protected Species**

An IPaC resource list was generated for the site to identify listed species that could potentially be present on site. The resource list included the following:

Florida Panther (*Puma concolor coryi*)  
Southeastern Beach Mouse (*Peromyscus polionotus niveiventris*)  
Tricolored Bat (*Perimyotis subflavus*)  
Crested Caracara (*Caracara plancus audubonii*)  
Eastern Black Rail (*Laterallus jamaicensis ssp. Jamaicensis*)  
Everglade Snail Kite (*Rostrhamus sociabilis plumbeus*)  
American Alligator (*Alligator mississippiensis*)  
Eastern Indigo Snake (*Drymarchon couperi*)  
Florida Leafwing Butterfly (*Anaea troglodyta floralis*)  
Miami Blue Butterfly (*Cyclargus thomasi bethunebakeri*)  
Monarch Butterfly (*Danaus Plexippus*)  
Beach Jacquemontia (*Jacquemontia reclinate*)  
Four-petal Pawpaw (*Asimina tetramera*)  
Tiny Polygala (*Polygala smallii*)  
Florida Perforate Cladonia (*Cladonia perforate*)

The FNAI Biodiversity Matrix Report list the following species are potentially affected by activities in this location:

Wood Stork (*Mycteria americana*)  
Florida Sandhill Crane (*Antigone canadensis pratensis*)  
Cutthroat grass (*Coleataenia abscissa*)  
Large-flowered rosemary (*Conradina grandiflora*)  
Eastern Indigo Snake (*Drymarchon couperi*)  
Narrow-leaved Carolina scalystem (*Elytraria caroliniensis var. angustifolia*)  
Florida bonneted bat (*Eumops floridanus*)  
Gopher Tortoise (*Gopherus polyphemus*)  
Southern Hognose Snake (*Heterodon simus*)  
Nodding pinweed (*Lechea cernua*)  
Small's flax (*Linum carteri var. smallii*)  
Gopher Frog (*Lithobates capito*)  
Celestial lily (*Nemastylis floridana*)  
Florida beargrass (*Nolina atopocarpa*)  
Bachman's Sparrow (*Peucaea aestivalis*)  
Giant orchid (*Pteroglossaspis ecristata*)

There are no critical habitats on site.

On February 17, 2025, following FWC and USFWS guidelines, ARE conducted pedestrian transects across 100% of the property looking for local, state, and federally listed or endangered species present on the site. During the site visit no listed or endangered species were observed.

3. **Property and Habitat Site Data Table**



a. Site Acreage, Total.

1300 - Pine Flatwoods 16.19 acres

2200 - Freshwater Forested Wetlands 32.48 acres

1831 - Rural Open 20.74 acres (of which approx. 1.8 acres are 3200 - Artificial Lakes and Ponds)

1123 - Live Oak 1.2 acres

4200 - Canal/Ditch 0.53 acres

b. Preserve Area Calculations.

Upland preserve required:

100% \* 1.2 acres Live Oak = 1.2 acres Live Oak required

25% \* 16.19 acres Pine Flatwoods = 4.0475 acres Pine Flatwoods required

c. Wetland Preserve.

32.48 acres Freshwater Forested Wetland

d. Wetland Buffer.

11.65 acres Pine Flatwoods (buffer)

1.2 acres Live Oak (buffer)

e. Upland Preserve, Common.

Upland preserve provided:

4.11 acres Pine Flatwoods (outside of buffer)

0.43 acres Pine Flatwoods (wetland buffer preserve compensation)

f. Upland Preserve, Rare.

Upland preserve provided:

1.2 acres Live Oak (buffer)

g. Total Preserve Acreage.

| Description    | Total area (acres) | Preserved (acres)         |
|----------------|--------------------|---------------------------|
| Wetlands       | 32.48              | 32.58 (0.10 ac. restored) |
| Wetland buffer | 13.27              | 12.85 (0.42 ac Impacted)  |
| Upland Habitat | 17.39              | 4.54                      |

|        |       |       |
|--------|-------|-------|
| Other  | 8.00  | 0     |
| Total: | 71.14 | 49.97 |

4. **Additional Activities allowed in Preserve Areas**

An existing and recorded flow-through drainage easement in the eastern portion of the site will be maintained. In addition, see Section 6 for how the site will comply with firewise principles.

5. **Authorized Impacts through Environmental Waivers (if applicable)**

There are proposed impacts to the wetland buffer onsite (see site plan and justification statement for environmental waiver). A restoration and maintenance plan is attached to this PAMP that documents restoration and compensation for the buffer impacts.

6. **Proposed Exotics Removal and Maintenance Plan**

Prior to CO request and final preserve inspection all exotic materials will be treated and removed if necessary. Maintenance of the preserve area shall be done in compliance with the MAINTENANCE ACTIVITIES Section as found in Part II (L). This will also include Firewise maintenance along the preserve/community buffer to maintain an area in the preserve as a fire break.

A 30' defensible buffer will be implemented between the community and the onsite preserve areas. The Firewise defensible space will be within a 35' drainage easement that will be planted with native grass as per the landscape plans. The drainage easement will be regulated by the HOA and maintained in accordance with the approved landscape plan (see notes on site and landscape plans). Maintenance to remove vegetative debris, leaf litter, ladder fuels, overhanging branches and other potential fuel sources will be ongoing during the quarterly (every 90 days) maintenance of the onsite preserve areas. This will be done in compliance with the Florida Forest Services Firewise maintenance criteria, and ISA pruning practices when pruning limbs to meet the 6-10' above ground criteria. All native vegetation that will be thinned will be done so in a manner which keeps the natural integrity of the site and will not devoid the buffer of vegetation. The site will undergo annual monitoring for 5 years (see monitoring plan).

7. **Concluding Statement/Summary**

The site is a total of 71.14 acres. The intent of this PAMP is to establish a preserve on site that will include the 32.58 acres of forested wetlands around the west, east, and south edges of the property, 12.85 acres of wetland buffer, and an additional 4.54 acres of upland preserve. The total preserve area of 49.97 acres will be managed in its natural state as required by this PAMP.

**ARE, Inc.**



Drew Gatewood, MS, PWS Project Manager/ Sr. Biologist

# **PART II**

## **CONDITIONS**

### **A. PURPOSE**

This Preserve Area Management Plan (PAMP) has been established for the protection and long-term management and maintenance of native upland and wetland habitats on this property, in accordance with Martin County's Comprehensive Growth Management Plan and Land Development Regulations.

### **B. RECORDING**

This PAMP shall be recorded by the Martin County Clerk of Courts and labeled with the appropriate O.R. Book and Page Number within 30 days of final approval. This PAMP may be altered or amended only with the agreement of the Martin County Environmental Planning Administrator and the owner/developer and with the approval of the Martin County Board of County Commissioners. If the PAMP is altered or amended, the revised document shall be recorded by the Martin County Clerk of Courts within 30 days of final approval.

### **C. TRANSFER OF OWNERSHIP**

The Martin County Environmental Planning Administrator shall be notified in writing within thirty (30) days of transfer of ownership of any lands preserved by this PAMP. Failure to notify will be considered as non-compliance with the terms of this PAMP.

### **D. COMPLIANCE**

The owner(s) of the lands to be preserved/maintained by this Preserve Area Management Plan and the developer(s) of the property described in this PAMP, their successors and assigns, and their environmental consultants and contractors shall implement and comply with all portions of this PAMP.

### **E. INSPECTION OF PRESERVE AREA**

Compliance with the terms of this PAMP includes inspections by county staff to ensure PAMP compliance. For any required restoration, the preserve area will be inspected after replanting to verify compliance with the Restoration Plan included as part of this PAMP.

The Preserve Area may be subject to further inspections to ensure environmental integrity and consistency with the provisions of the PAMP.

### **F. PRESERVE AREA SIGNAGE REQUIREMENTS**

All Preserve Areas shall be surveyed and marked with permanent monuments at each corner and at other sites necessary for locating the boundary of the Preserve Area. These permanent monuments shall be constructed under the supervision of a Registered Land Surveyor and shall be shown on the Site Plan. The surveyed locations of Preserve Areas shall be provided to the Martin County Environmental Planning Administrator in a form compatible for use in the County's GIS mapping system.

## **G. PRESERVE AREA SIGNAGE REQUIREMENTS**

Preserve Area Signs. Preserve areas shall be posted with permanent signs. These signs shall be at least 11 x 14 inches in size, be posted in conspicuous locations precisely along the Preserve Area boundary, at a frequency of no less than one (1) sign per 500 feet. Designs for preserve signs shall be approved by the Martin County Environmental Planning Administrator prior to installation and must be in place prior to the issuance of a building permit for construction on the site.

## **H. SITE PLAN**

The Site Plan included as an appendix to this PAMP illustrates all preserve areas, right-of-ways and easements and the locations of permanent preserve area signs. Any proposed structures and fill/grade elevations with distances to on and off-site upland preserves, wetlands and wetland buffers shall be shown, as applicable. Site Plan shall be submitted in form of PDF drawing and a corresponding shape file with site coordinates projected in the State Plane Coordinate System.

The following areas and summaries shall be included in the Site Plan (as applicable):

1. Boundaries, dimensions, and acreage of wetland habitats under preservation
2. Boundaries, dimensions, and acreage of wetland buffers to wetlands on and off-site
3. Boundaries, dimensions, and acreage of on-site wetland mitigation areas
4. Boundaries, dimensions, and acreage of common upland habitats under preservation
5. Boundaries, dimensions, and acreage of rare upland habitats under preservation
6. Boundaries, dimensions, and acreage of existing impacts
7. Boundaries, dimensions, and acreage of proposed impact(s) through environmental waiver(s)
8. Total acreage under preservation
9. Total acreage of the site

The following notation shall be provided on the Site Plan: **"PRESERVE AREAS ARE NOT TO BE ALTERED WITHOUT WRITTEN PERMISSION OF THE MARTIN COUNTY BOARD OF COUNTY COMMISSIONERS."**

## **I. SITE CLEARING**

Where clearing of vegetation may be permitted (i.e., building envelope, utilities, drainage, road right-of-way, etc.), the developer shall ensure that all Preserve Areas are protected with construction barricades and erosion control devices in accordance with the following guidelines.

Construction barricades shall be placed at least 5 feet outside of all upland Preserve Areas, or at the dripline of the canopy trees, whichever is greater. Barricades shall be inspected by County Environmental Division staff prior to work approval. Barricades shall consist of high-visibility orange safety fence extending from the ground to a height of at least 4 feet and shall not be attached to vegetation. Removal of the barricades shall be approved only after the completion of construction and prior to the issuance of a Certificate of Occupancy.

Preserve areas shall be protected from possible surface water and sediment runoff by the

placement of erosion control devices (e.g., silt screens, hay bales or other turbidity control measures) at least 5 feet outside the perimeter of the wetland buffer.

All barricades, silt screens and other erosion control devices shall be upright and maintained intact for the duration of construction.

The owner/developer is required to inform all contractors of site clearing requirements. Failure to comply with these requirements shall be considered a violation of the Site Plan approval. Work on the project may be stopped until compliance is achieved.

#### **J. ACTIVITIES ALLOWED IN PRESERVE AREAS**

Property owners are encouraged to enjoy the natural beauty of their Preserve Areas. Although development of Preserve Areas is not allowed, passive recreational uses, such as bird-watching and other non-destructive uses of natural areas are encouraged, as long as they do not negatively affect the hydrology, soils, or vegetative cover of a Preserve Area. See Part I (4), Activities Allowed in Preserve Areas, for additional prescribed allowances in preservation areas.

#### **K. ACTIVITIES PROHIBITED IN PRESERVE AREAS**

Activities prohibited in Preserve Areas or easements within Preserve Areas include, but are not limited to: construction; dumping or placing building materials, soil, garbage, trash, or dead vegetation on or above the ground; removal or destruction of native trees, shrubs or other native vegetation; excavation or dredging of soil; diking or fencing; vehicular traffic including use by nonmotorized vehicles, recreational vehicles and off-road vehicles; permanent irrigation; trimming, pruning, or fertilization; and any other activities detrimental to drainage, flood control, water conservation, erosion control or fish and wildlife conservation and preservation.

No hazardous material other than fuel for refueling on-site equipment may be stored during construction. On-site fuel tanks may not be located within twenty-five (25) feet of any Preserve Areas and shall be removed upon completion of construction work.

Buildings proposed to be located adjacent to Preserve Areas shall be set back a minimum of ten (10) feet to allow for construction and maintenance without encroaching into the Preserve Area. All other accessory structures (e.g., pools, sheds, decks, etc.) and excavations and fill material shall be set back a minimum of five (5) feet from the Preserve Area boundary.

#### **L. MAINTENANCE ACTIVITIES**

Except for approved restoration, exotic removal, and maintenance activities, Preserve Areas shall be left undisturbed. All maintenance of Preserve Areas shall be in accordance with this PAMP. Maintenance and management activities shall be routinely performed by or under the supervision of a qualified environmental professional and must be conducted in accordance with this PAMP or as approved by the Martin County Environmental Planning Administrator. A description of all proposed restoration and maintenance activities to be conducted on the site shall be included in the Restoration/Mitigation Plan prepared as part of this PAMP. The following maintenance activities may be allowed within Preserve Areas with prior written approval from the Environmental Planning Administrator: mechanical exotic plant removal;

revegetation with native plants and other activities required for habitat restoration; removal of plant material that is dead or diseased, or considered to be a safety hazard; and prescribed burns.

### **Exotic Plant Removal**

Exotic vegetation shall be removed from Preserve Areas by the least ecologically damaging method available. Such methods include hand pulling, hand spading, cutting with hand or chain saws and in-situ treatment with appropriate herbicides. Mechanical removal shall be allowed only if specifically approved as part of a Restoration/Mitigation Plan. No debris, including dead plants, plant clippings or wood scraps, shall be allowed in Preserve Areas, unless specified in the Restoration/Mitigation Plan. In addition, all dead plant material and exotic plant debris removed from Preserve Areas shall be disposed of in a County-approved recycling facility.

### **Revegetation**

Any revegetation which might be necessary as a result of exotic vegetation removal or site construction activities shall consist of native plant species representative of the existing native plant community. This will ensure that the Preserve Areas maintain indigenous plant associations. Revegetation plans shall be included in the Restoration/Mitigation Plan prepared as part of this PAMP.

### **Native Vegetation Removal**

Dead trees generally shall be retained in preserve areas as a natural function of habitat succession. Diseased and dead trees and vegetation considered to be a safety hazard may be altered or removed upon approval by the Martin County Environmental Planning Administrator. Other dead or diseased plant material may be removed from Preserve Areas upon approval by the Martin County Environmental Planning Administrator. Plant removal shall be conducted so that no debris, including dead plants, plant clippings or wood scraps, shall be retained in Preserve Areas. All dead plant material and debris removed from Preserve Areas shall be disposed of in a County-approved recycling facility. Revegetation may be required for any removed plant material.

### **Planting Plan**

The preserve area shall be replanted in accordance with the standards established with a planting plan included with this PAMP. Planting plans may be provided to the Martin County Environmental Planning Administrator for approval to address any current or future required habitat management requirements.

### **Prescribed Burns**

Martin County considers prescribed burns an acceptable habitat management tool. When approved by the Martin County Environmental Planning Administrator, prescribed burns may be conducted by a certified burn manager who shall be responsible for obtaining all appropriate permits from State and local agencies.

### **Other Restoration and Maintenance Activities**

Alternative and innovative management techniques, which may provide for the long-term viability and habitat value of the Preserve Areas and for protection against imminent threats to public health and safety, may be approved by the Martin County Environmental Planning Administrator.

### **M. SITE HYDROLOGY**

Previous or potential drainage impacts shall be corrected to the extent technically feasible. Water quality and the rate, timing, and volume of run-off shall recreate natural conditions for the benefit of onsite wetlands and other waterbodies.

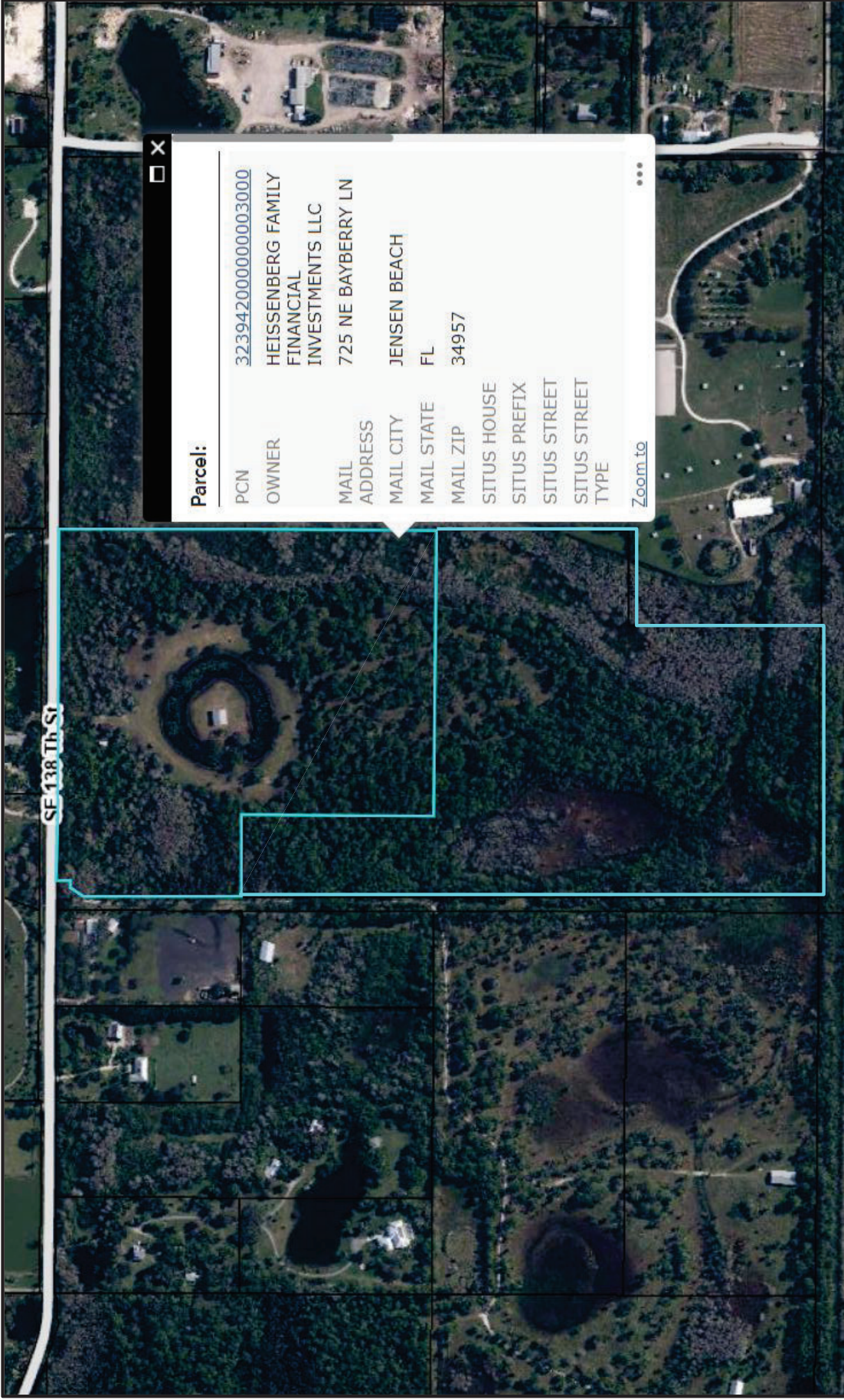
### **N. PROTECTED SPECIES**

If a protected species survey conducted as part of the Environmental Assessment of the project site indicates the presence of protected plant or animal species, the Environmental Assessment shall include a Protected Species Management Plan. This Plan shall include the results of the protected species survey; a listing and description of protected species occurring on, or utilizing, the site; documentation of the protection status of each species; a map of active and inactive burrows, nests, cavity trees, etc. found as part of the survey; a description of the protective measures being provided for each listed species found on the site; and copies of all correspondence with applicable state and federal agencies regarding the protection of listed species.

### **O. INSPECTIONS AND ENFORCEMENT**

Martin County is authorized to inspect any County regulated site or appurtenance. Duly authorized representatives of Martin County may, at any time, upon presenting proper identification, enter upon and shall be given access to any premises for the purpose of such inspection. Martin County shall have the right to enforce the provisions of this PAMP through any available administrative or civil proceeding, which may result in penalties. Restoration of habitat and other remedies, such as fines and fees covering staff time, may be required of any person, corporation or other entity found in violation of any of the provisions of this PAMP or as may be found in the Martin County Code of Ordinances and Land Development Regulations.

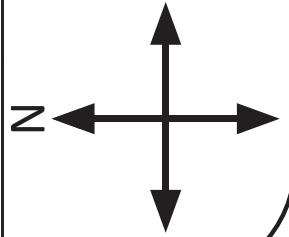




4/19/2024

Location Map

Map Source: Martin County



**SE 138th St**  
**Hobe Sound, FL**



Advanced Restoration Ecology

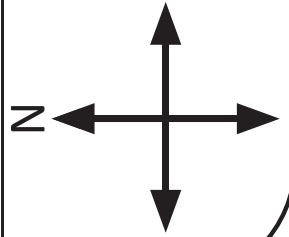




4/19/2024

Species Survey Map

Map Source: Martin County



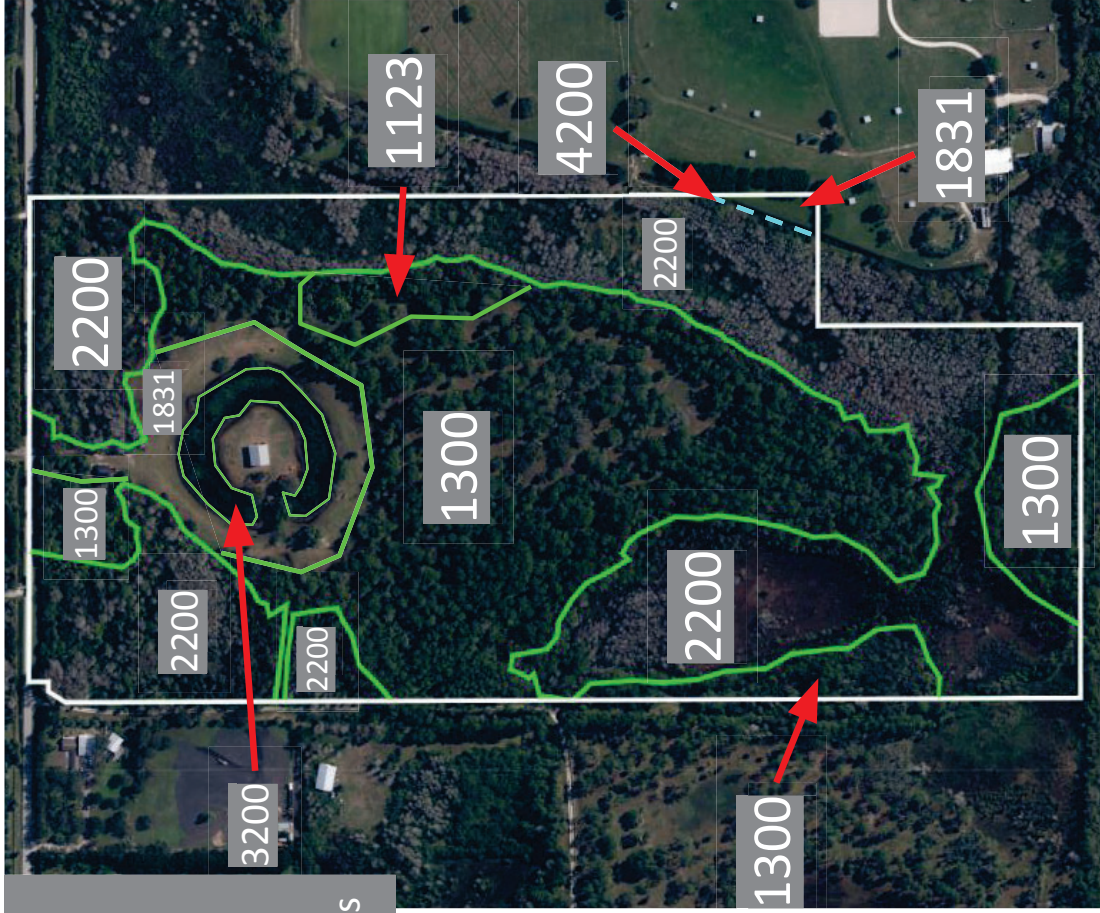
**SE 138th St  
Hobe Sound, FL**



Advanced Restoration Ecology



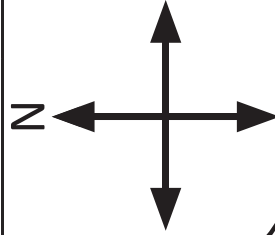
- 1300 - Pine Flatwood
- 2200 - Freshwater Forested Wetlands
- 1831 - Rural Open
- 1123 - Live Oak
- 4200 - Canal/Ditch
- 3200 - Artificial Lakes and Ponds



4/19/2024

CLC

Map Source: Martin County



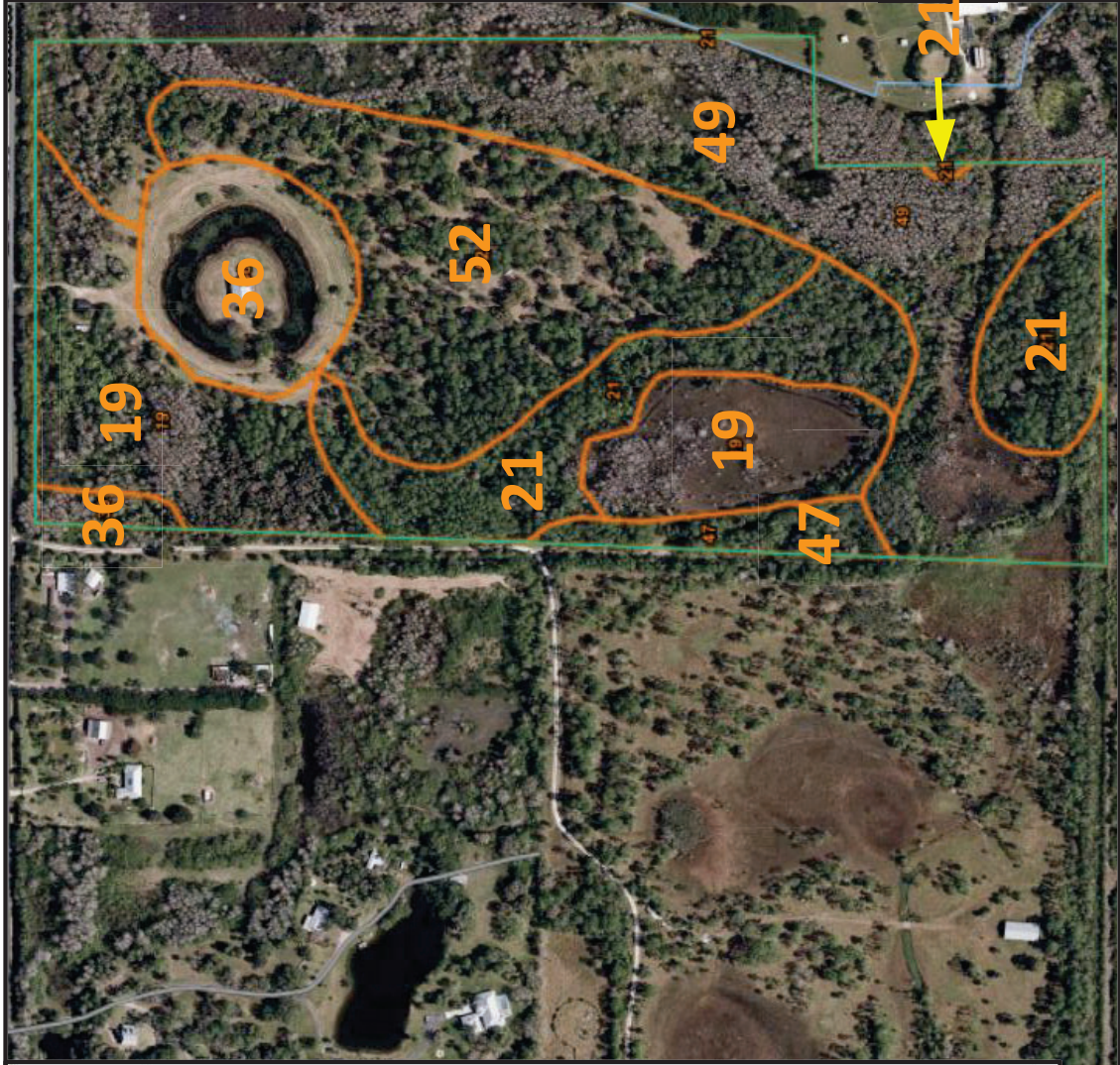
## SE 138th St Hobe Sound, FL



Advanced Restoration Ecology



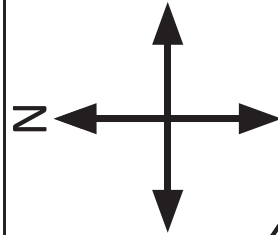
| Unit Symbol                        | Map Unit Name                                                | in AOI       | Percent of AOI |
|------------------------------------|--------------------------------------------------------------|--------------|----------------|
| 19                                 | Winder sand, frequently ponded, 0 to 1 percent slopes        | 13.7         | 18.9%          |
| 21                                 | Pineda-Riviera fine sands association, 0 to 2 percent slopes | 11.1         | 15.3%          |
| 36                                 | Arents, 0 to 2 percent slopes                                | 6.6          | 9.2%           |
| 47                                 | Pinellas fine sand, 0 to 2 percent slopes                    | 1.8          | 2.5%           |
| 49                                 | Riviera fine sand, frequently ponded, 0 to 1 percent slopes  | 21.99        | 31.0%          |
| 52                                 | Malabar fine sand, high, 0 to 2 percent slopes               | 16.7         | 23.1%          |
| <b>Totals for Area of Interest</b> |                                                              | <b>71.89</b> | <b>100.0%</b>  |



4/19/2024

Soil Map

Map Source: Web Soil

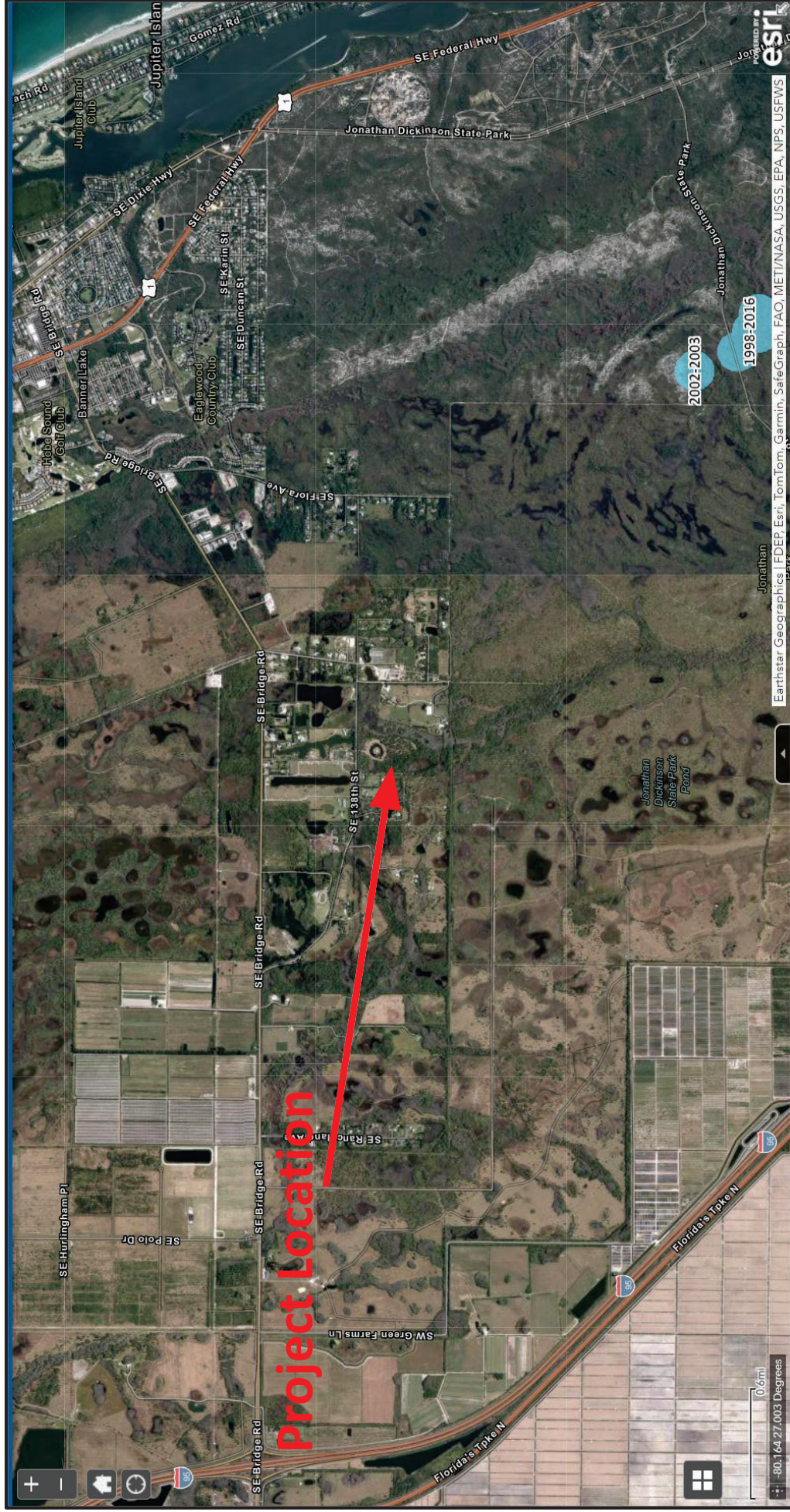


## SE 138th St Hobe Sound, FL



Advanced Restoration Ecology

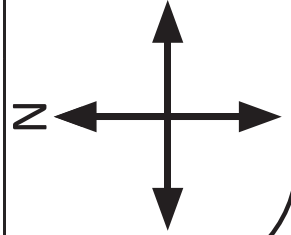




4/19/2024

Eagle Map

Map Source: FWC



# SE 138th St Hobe Sound, FL



Advanced Restoration Ecology



# SOUTH FLORIDA WATER MANAGEMENT DISTRICT

April 19, 2024

*\* Delivered via email*

Mike Heissenberg \*  
Heissenberg Family Financial Investments LLC  
725 NE Bayberry Ln  
Jensen Beach, FL 34957

**Subject: Paradise Lake PUD**  
**Petition for Formal Determination of Wetlands and Surface Waters**  
**Permit No. 43-110710-P**  
**Application No. 230804-39739**  
**Martin County**

Your petition for a formal determination of wetlands and other surface waters is approved. This action is taken based on Chapter 373, Part IV of Florida Statutes (F.S.) and the rules in Chapters 62-330 and 62-340, Florida Administrative Code (F.A.C.). Please read this entire agency action thoroughly and understand its contents.

This action is subject to:

- Not receiving a filed request for a Chapter 120, F.S., administrative hearing.
- All referenced Exhibits.

Should you object to these conditions, please refer to the attached "Notice of Rights" which addresses the procedures to be followed if you desire a public hearing or other review of the proposed agency action. Please contact this office if you have any questions concerning this matter. If we do not hear from you in accordance to the "Notice of Rights", we will assume that you concur with the District's action.

## **CERTIFICATE OF SERVICE**

I hereby certify that this Formal Wetland Determination and Notice of Rights have been mailed or electronically submitted to the addressee (and the persons listed on the attached distribution list) on April 18, 2024 in accordance with Section 120.60(3), F.S. Notice was also electronically posted on this date through a link on the home page of the District's website ([www.sfwmd.gov/ePermitting](http://www.sfwmd.gov/ePermitting)).

Sincerely,

A handwritten signature in blue ink that reads "Natalie Cole".

Natalie Cole  
Administrator, Environmental Resource Bureau



**South Florida Water Management District  
Formal Wetland Determination Permit No. 43-110710-P  
Date Issued: April 19, 2024**

**Project Name:** Paradise Lake PUD

**Petitioner:** Mike Heissenberg  
Heissenberg Family Financial Investments LLC  
725 NE Bayberry Ln  
Jensen Beach, FL 34957

**Application No.** 230804-39739

**Location:** Martin County, See Exhibit 1

**Acres:** 73

**Expiration Date:** April 19, 2029

**Type:** Certified Survey

**Summary**

On August 4, 2023, the District received a request for a formal determination of the boundary of wetlands and other surface waters (OSWs) on a 73-acre property known as Paradise Lake PUD.

The landward extent of wetland and other surface waters was established by the petitioner and verified by District staff on September 5, 2023, pursuant to Rule 62-330.201 F.A.C. The methodology used for the determination is consistent with Chapter 62-340, F.A.C.

**Site Description**

The 73-acre property is located in Section 32, Township 39 South, Range 42 East, Martin County, Florida. Refer to Exhibit No. 1.0 for a location map. Vegetative communities on the property consist of disturbed and native uplands, native forested cypress wetlands, a pond, and various liner ditches.

**Wetland Delineation Procedure**

Wetlands and OSWs, as defined by Subsection 373.019(27), F.S. and Chapter 62-340, F.A.C., were identified on the property. Wetlands and OSWs were delineated using the methods established in Chapter 62-340, F.A.C.

Wetlands delineated on the property totaled 31.94 acres. OSWs on the property totaled 4.26 acres. A certified survey of these boundaries, dated February 7, 2024 is depicted as Exhibit 2.0.

Wetland delineation information, including wetland delineation data forms and representative photographs of the wetlands and upland areas, can be found in the permit file, on the District's ePermitting site. The wetland delineation data forms were filled out by District staff during the September 5, 2023 field inspection.

**Wetland, OSW, and Upland Descriptions**

The site contains three wetland areas; Wetland 1 (5.12 acres), Wetland 2 (0.93 acres), and Wetland 3 (25.89). OSWs on the property consists of a pond totaling 2.83 acres and various ditches totaling 1.43 acres. The portions of ditches that traverse wetlands are included in the wetland acreage and are not delineated as surface waters.



The interior portions of the onsite wetlands were dominated by *Taxodium* spp, *Ilex cassine*, and *Melaleuca quinquenervia*. The wetlands generally transition into upland pine platwoods dominated by *Pinus elliotii* and *Schinus terebinthifolius*. Highly invasive *Lygodium* spp is also present throughout the site in both wetlands and uplands. Hydrologic indicators observed included morphological plant adaptations (expanded lenticels, adventitious roots, cypress knees), water staining on trees, and standing water in the deeper portions of the wetland. Algal matting was observed at the wetland/upland interface.

Data forms were recorded at the edge of Wetland 1 where it transitioned into a grass field, since this area was most difficult to determine wetland jurisdictional boundaries based on the application of the wetland definition pursuant to Chapter 62-340, F.A.C. In this area, the wetland-upland edge contained native ground species such *Andropogon virginicus*, *Rhycospora* spp, *Hydrocotyle* spp, *Sagitaria* spp, *Bidens* spp, as well as non-native *Wedelia* spp, *Spermacoce* spp, and *Paspalum notatum*. The wetland soils were composed of sandy soil material with evidence of redox concentrations in the upper soil profile.

Based on a map produced using National Resource Conservation Service (NRCS) soil data, the soils supporting wetlands on the site are mainly mapped as 19 - Winder sand, frequently ponded, and 49 - Riviera fine sand, frequently ponded, both of which are hydric soils. Soil pits from the wetland and uplands were dug and the profiles examined by staff; the soil pit data are included in the data forms located in the ePermitting file.

#### **Formal Determination of Wetlands and OSWs**

This Formal Determination of Wetlands and OSWs is the District's determination of the landward extent (boundaries) of wetlands and OSWs within the property based on the documentation submitted by the petitioner and field application of Chapter 62-340, F.A.C.

This action does not authorize any construction activities or constitute conceptual approval of any anticipated projects or activities in wetlands or OSWs. It does not in any way establish boundaries of sovereign submerged lands, high water elevations or other elevations/ boundaries.

Pursuant to Subsection 373.421 (4), F.S., the Governing Board may revoke the Formal Wetland Determination (FWD) upon a finding that the petitioner has submitted inaccurate information to the District.

The FWD shall be binding for the stated duration provided physical conditions on the property do not change so as to alter the boundaries of wetlands and OSWs during that period.

## **Distribution List**

Andrew Gatewood, Advanced Restoration Ecology \*

Florida Department of Environmental Protection SLERC \*

Martin County Property Appraiser \*

Florida Department of Environmental Protection - Environmental Administrator \*

## **Exhibits**

The following exhibits to this permit are incorporated by reference. The exhibits can be viewed by clicking on the links below or by visiting the District's ePermitting website (<http://my.sfwmd.gov/ePermitting>) and searching under this application number 230804-39739.

[Exhibit No. 1.0 Location Map](#)

[Exhibit No. 2.0 Wetland and OSW Survey](#)



## **NOTICE OF RIGHTS**

As required by Chapter 120, Florida Statutes, the following provides notice of the opportunities which may be available for administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes, or judicial review pursuant to Section 120.68, Florida Statutes, when the substantial interests of a party are determined by an agency. Please note that this Notice of Rights is not intended to provide legal advice. Some of the legal proceedings detailed below may not be applicable or appropriate for your situation. You may wish to consult an attorney regarding your legal rights.

### **RIGHT TO REQUEST ADMINISTRATIVE HEARING**

A person whose substantial interests are or may be affected by the South Florida Water Management District's (District) action has the right to request an administrative hearing on that action pursuant to Sections 120.569 and 120.57, Florida Statutes. Persons seeking a hearing on a District decision which affects or may affect their substantial interests shall file a petition for hearing in accordance with the filing instructions set forth herein within 21 days of receipt of written notice of the decision unless one of the following shorter time periods apply: (1) within 14 days of the notice of consolidated intent to grant or deny concurrently reviewed applications for environmental resource permits and use of sovereign submerged lands pursuant to Section 373.427, Florida Statutes; or (2) within 14 days of service of an Administrative Order pursuant to Section 373.119(1), Florida Statutes. "Receipt of written notice of agency decision" means receipt of written notice through mail, electronic mail, posting, or publication that the District has taken or intends to take final agency action. Any person who receives written notice of a District decision and fails to file a written request for hearing within the timeframe described above waives the right to request a hearing on that decision.

If the District takes final agency action that materially differs from the noticed intended agency decision, persons who may be substantially affected shall, unless otherwise provided by law, have an additional point of entry pursuant to Rule 28-106.111, Florida Administrative Code.

Any person to whom an emergency order is directed pursuant to Section 373.119(2), Florida Statutes, shall comply therewith immediately, but on petition to the board shall be afforded a hearing as soon as possible.

A person may file a request for an extension of time for filing a petition. The District may grant the request for good cause. Requests for extension of time must be filed with the District prior to the deadline for filing a petition for hearing. Such requests for extension shall contain a certificate that the moving party has consulted with all other parties concerning the extension and whether the District and any other parties agree to or oppose the extension. A timely request for an extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

### **FILING INSTRUCTIONS**

A petition for administrative hearing must be filed with the Office of the District Clerk. Filings with the Office of the District Clerk may be made by mail, hand-delivery, or e-mail. Filings by facsimile will not be accepted. A petition for administrative hearing or other document is deemed filed upon receipt during normal business hours by the Office of the District Clerk at the District's headquarters in West Palm Beach, Florida. The District's normal business hours are 8:00 a.m. – 5:00 p.m., excluding weekends and District holidays. Any document received by the Office of the District Clerk after 5:00 p.m. shall be deemed filed as of 8:00 a.m. on the next regular business day.

Additional filing instructions are as follows:

- Filings by mail must be addressed to the Office of the District Clerk, 3301 Gun Club Road, West Palm Beach, Florida 33406.
- Filings by hand-delivery must be delivered to the Office of the District Clerk. Delivery of a petition to the District's security desk does not constitute filing. It will be necessary to request

that the District's security officer contact the Office of the District Clerk. An employee of the District's Clerk's office will receive and process the petition.

- Filings by e-mail must be transmitted to the Office of the District Clerk at [clerk@sfwmd.gov](mailto:clerk@sfwmd.gov). The filing date for a document transmitted by electronic mail shall be the date the Office of the District Clerk receives the complete document.

#### **INITIATION OF ADMINISTRATIVE HEARING**

Pursuant to Sections 120.54(5)(b)4. and 120.569(2)(c), Florida Statutes, and Rules 28-106.201 and 28-106.301, Florida Administrative Code, initiation of an administrative hearing shall be made by written petition to the District in legible form and on 8 1/2 by 11 inch white paper. All petitions shall contain:

1. Identification of the action being contested, including the permit number, application number, District file number or any other District identification number, if known.
2. The name, address, any email address, any facsimile number, and telephone number of the petitioner, petitioner's attorney or qualified representative, if any.
3. An explanation of how the petitioner's substantial interests will be affected by the agency determination.
4. A statement of when and how the petitioner received notice of the District's decision.
5. A statement of all disputed issues of material fact. If there are none, the petition must so indicate.
6. A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the District's proposed action.
7. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the District's proposed action.
8. If disputed issues of material fact exist, the statement must also include an explanation of how the alleged facts relate to the specific rules or statutes.
9. A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the District to take with respect to the District's proposed action.

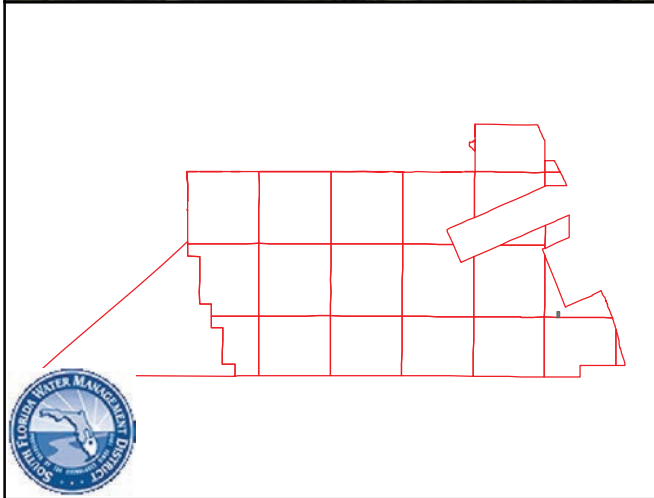
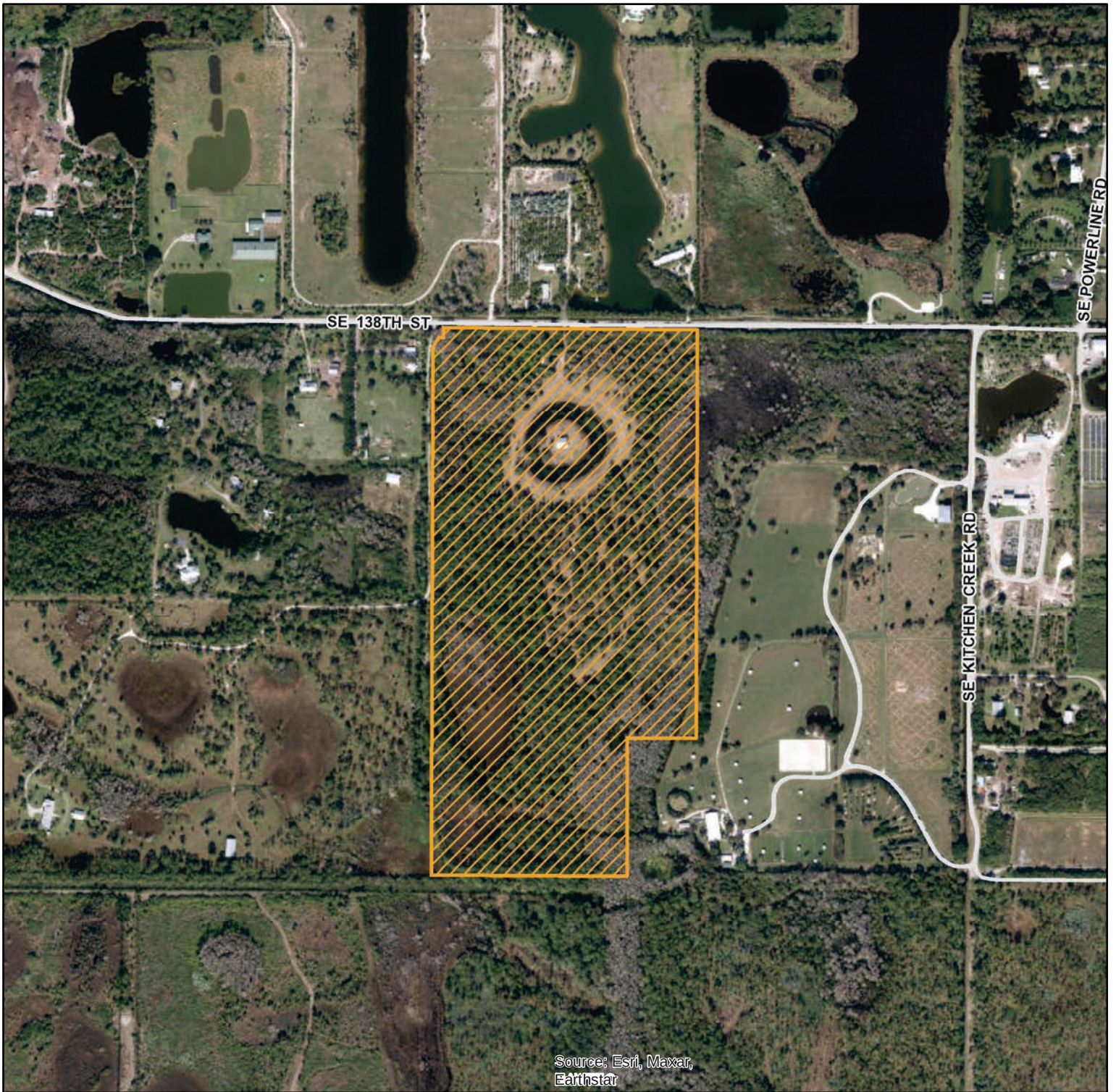
#### **MEDIATION**

The procedures for pursuing mediation are set forth in Section 120.573, Florida Statutes, and Rules 28-106.111 and 28-106.401–.405, Florida Administrative Code. The District is not proposing mediation for this agency action under Section 120.573, Florida Statutes, at this time.

#### **RIGHT TO SEEK JUDICIAL REVIEW**

Pursuant to Section 120.68, Florida Statutes, and in accordance with Florida Rule of Appellate Procedure 9.110, a party who is adversely affected by final District action may seek judicial review of the District's final decision by filing a notice of appeal with the Office of the District Clerk in accordance with the filing instructions set forth herein within 30 days of rendition of the order to be reviewed, and by filing a copy of the notice with the appropriate district court of appeals via the Florida Courts E-Filing Portal.





## MARTIN COUNTY, FLORIDA

Application

Application No: 230804-39739

Permit No: 43-110710-P

Project Name: Paradise Lake PUD

Map Date: 2024-04-17

0 0.15 0.3 Miles

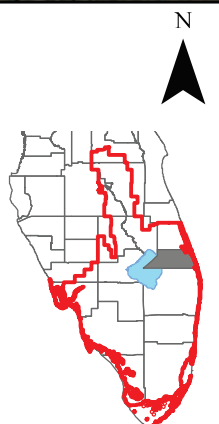
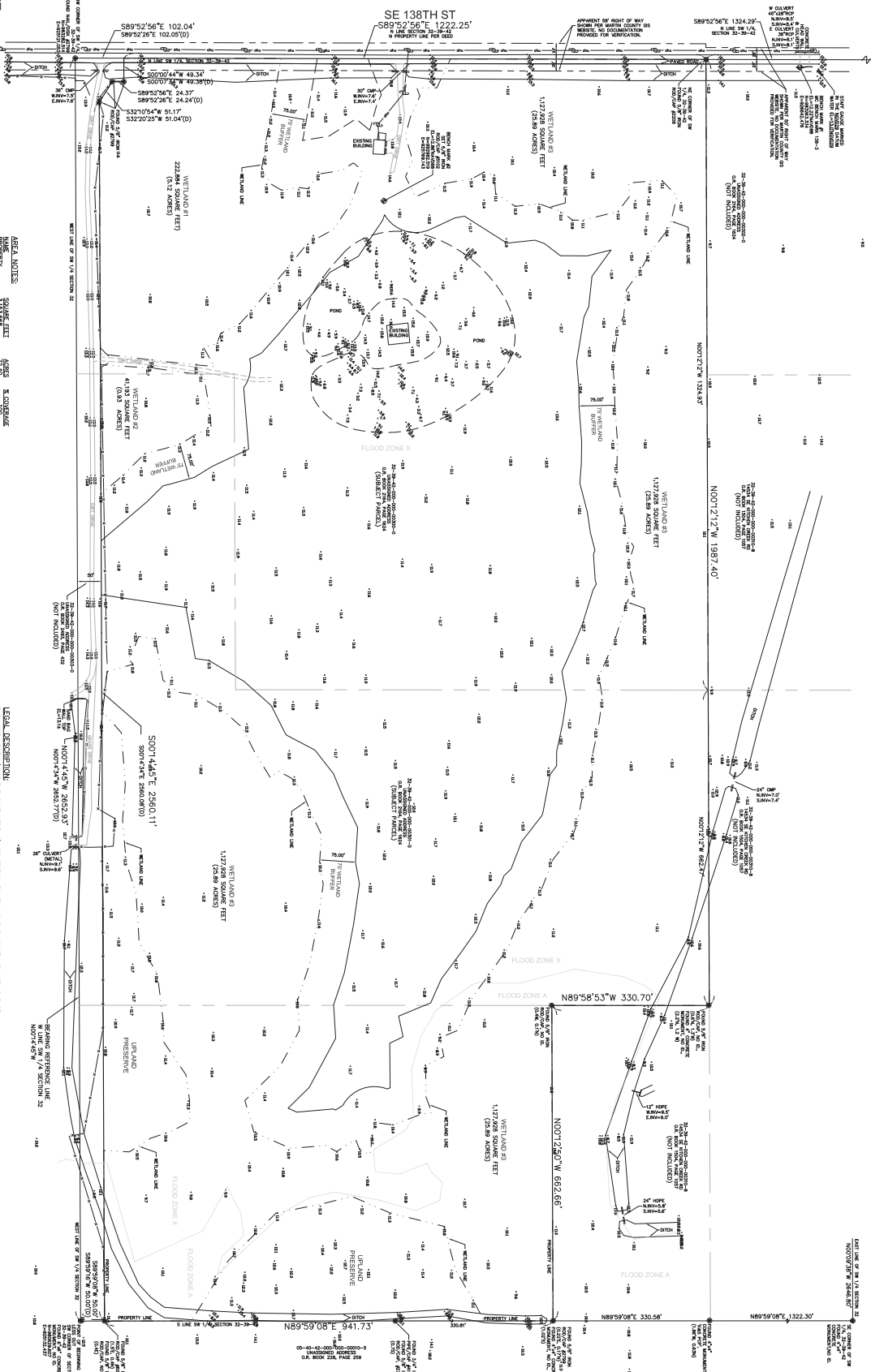


Exhibit No: 1.0





CONTROL, BENCH MARKS:  
BENCH MARK #1: ROUND HALL/DESK IN HEADWALL,  
M. BENCH MARK #19-5  
ELEVATION 12227 MM0088  
M489325354  
C#26682478  
BENCH MARK #2

SURVIVOR'S NOTES:

|                      |           |  |       |
|----------------------|-----------|--|-------|
| PREFACE              | 375-35086 |  |       |
| PROLOGUE (A1 108)    | 123,226   |  |       |
| BOOK I               | 2,83      |  | 104   |
| CHAPTER I            | 9,97      |  | 104   |
| MIDDLE BOOK (A1 108) | 222,584   |  |       |
| CHAPTER II           | 5,13      |  | 7,07  |
| MIDDLE BOOK 2        | 41,193    |  | 1,31  |
| MIDDLE BOOK 3        | 1,127,928 |  | 25,69 |
|                      |           |  | 35,77 |

THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 32, TOWNSHIP 39 SOUTH, RANGE 42 EAST, MARION COUNTY, FLORIDA,  
AND  
THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 32;  
AND  
THE WEST 3/4 OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 32;  
LESS A PARCEL OF LAND ALONG THE WEST PROPERTY LINE OF SAID SOUTHWEST 1/4 OF SECTION 32,

## BOUNDARY & TOPOGRAPHIC SURVEY







# Environmental Waiver Documents

## Wetland Buffer Impact Justification Statements

A Waiver to allow for impacts to proposed Wetland Buffers associated with accessing the upland portion of a development site is respectfully requested. Please accept the justification responses to items 'a' through 'e', as follows:

**a. Documentation to show that encroachment of wetlands or wetland buffers is necessary for access and that no reasonable upland alternative exists.**

*Response: As it currently exists, a substandard driveway is situated between two wetlands that otherwise extend east and west along the project's entire frontage of SE 138<sup>th</sup> Street. In order to access the upland portion of the project site, the existing driveway is to be reconstructed to current County standards.*

*Wetland Buffers will be provided for in the reconstruction and expansion of the driveway, along with on-site preservation of existing Native Upland Habitat to offset proposed encroachment into the future Wetland Buffers. As proposed, encroachment into the future Wetland Buffer is the minimum necessary to reconstruct and expand the driveway to current County standards and no other access to the upland portion of the development site exists.*

**b. Documentation to show that the encroachment is the least damaging alternative capable of providing the required access.**

*Response: As proposed, encroachment into the future Wetland Buffer is the minimum necessary to reconstruct and expand the driveway to current County standards and no other access to the upland portion of the development site exists.*

**c. An acceptable proposal for mitigation which will minimize damage to wetlands and or wetland buffers. All wetland alteration allowed under these waivers and exceptions shall be sufficiently mitigated to ensure that there is no net loss of functions or the spatial extent of wetlands in Martin County.**

*Response: As graphically and numerically illustrated on the attached exhibits, the project proposes to offset the proposed 0.42 ac. of Wetland Buffer encroachment with 0.43 ac. of Native Upland Preserve (0.01 ac. above what would be provided under strict adherence of the Code). Please refer to attached exhibits and PAMP.*

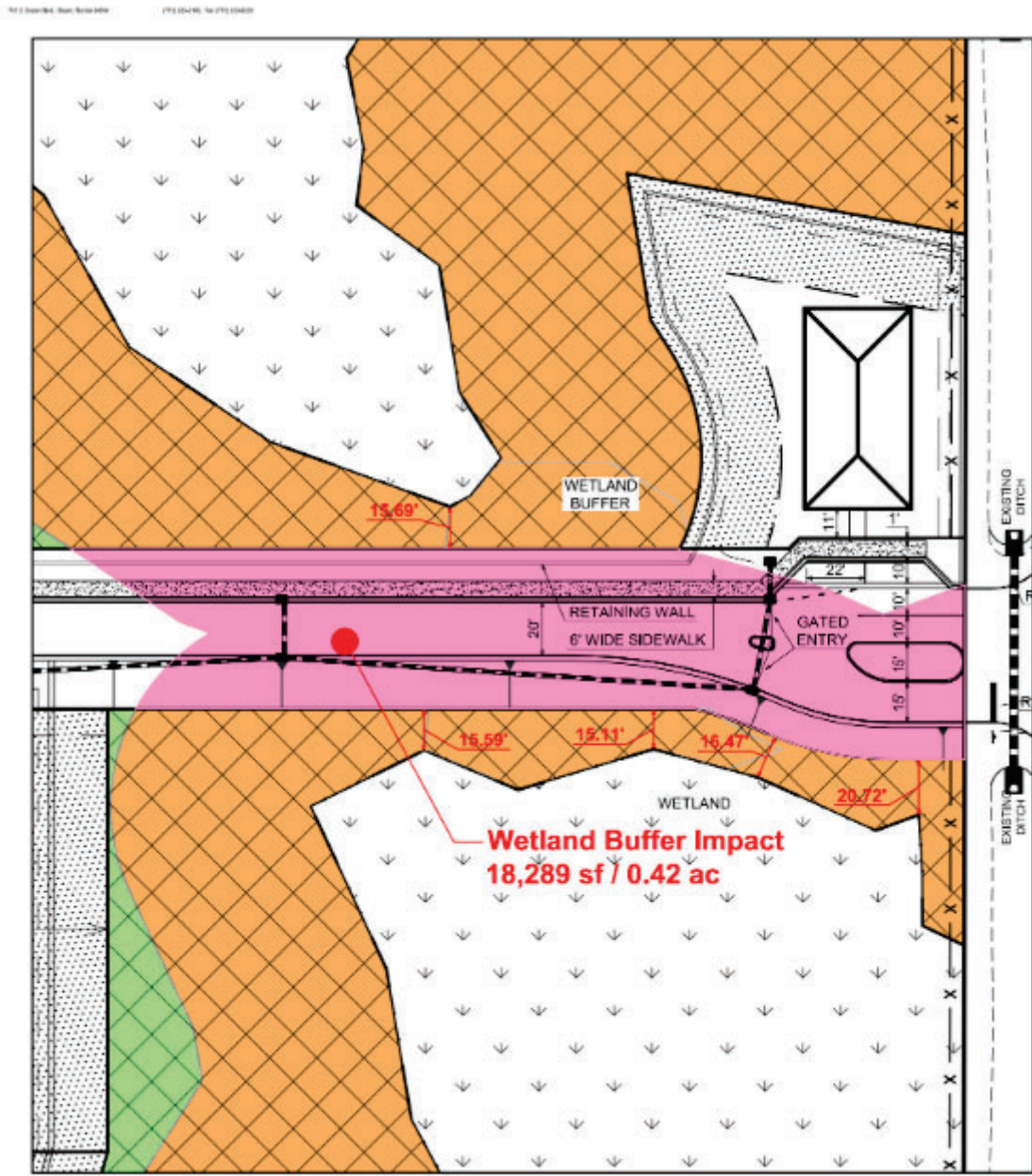
**d. Provide a plan to scale to identify the area of proposed impacts to wetland and wetland buffers, in acres. Include a description of the methods employed in the location and design of this plan to minimize impacts to wetlands and wetland buffers.**

*Response: Please see attached exhibits and PAMP.*

**e. Include mitigation planting plans with baseline monitoring, reporting, and success criteria in the appropriate sections of the PAMP for this project.**

*Response: Please attached exhibits and PAMP.*

Environmental Waiver - Wetland Buffer Impact Map





# **Restoration and Maintenance Plan**

Prepared for

## **Paradise Lake Project**

Prepared by



Advanced Restoration Ecology

2593 NE Roberta St  
Jensen Beach, FL 34958

©ARE, Inc.  
June 2025

## **Introduction**

The Paradise Lake restoration will restore wetlands and upland preserve on site. This plan will include replanting, maintenance, and monitoring. The project is located on SE 138th St in Hobe Sound, FL. The vegetative strategy for the preserve restoration area includes the planting of various sized native species in order to offset impacts under the environmental waiver and lack of native vegetation recruitment.

## **Restoration Area**

The restoration activity proposed includes enhancing the preserve areas to be impacted. Exotic removal maintenance will be performed on a quarterly (every 90 days) basis. The replanting area includes 1.33 acres of upland preserve (due to exotic infestation) and 0.10 preserved wetlands (berm removal). There is approximately 185 ft of berm that is accessible in the preserve area. The hydrologic restoration includes removing approximately 30 ft sections of berm every 50 ft. The berm will be removed to the surrounding existing grade of the wetlands on either side to create a hydrologic connection. The total preserve area to undergo exotic removal and maintenance is 32.48 acres of wetland and 17.39 acres of upland.

## **Restoration Planting**

The restoration area of the site consists of replanting wetlands and wetland buffer that will be impacted by the project. Planting efforts will reflect native species found within these habitats. The vegetative success criteria for the restoration areas include the goal for 80 percent coverage of desirable vegetation in the designated planting areas within twelve (12) months, aerial coverage of exotic vegetation at zero percent, and nuisance vegetation limited to five percent or less within the restoration areas. The replanting area will be monitored on an annual basis for 5 years to ensure the preserve is meeting success criteria.

The quantities listed below are for the upland and wetland planting areas. The actual planting quantities may vary depending on the size and nature of the area to be planted. Final planting quantities will be submitted to the State, please note species selection will be based on availability.

The planted material is as follows:

### **Preserve Enhancement Planting List**

#### Wetland restoration plantings (0.10 acres)

| <b>Common Name</b> | <b>Size</b> | <b>Quantity</b> | <b>Spacing</b> |
|--------------------|-------------|-----------------|----------------|
| Pond Apple         | 3gal        | 10              | 10' o.c.       |
| Cypress            | 3gal        | 10              | 10' o.c.       |
| Buttonbush         | 3gal        | 20              | 5' o.c.        |
| Fireflag           | BR          | 125             | 3' o.c.        |
| Spikerush          | BR          | 125             | 3' o.c.        |

#### Upland restoration plantings (1.33 acres)

| <b>Common Name</b> | <b>Size</b> | <b>Quantity</b> | <b>Spacing</b> |
|--------------------|-------------|-----------------|----------------|
| Slash Pine         | 3gal        | 115             | 10' o.c.       |
| Dahoon Holly       | 3gal        | 115             | 10' o.c.       |
| Wax Myrtle         | 3gal        | 450             | 5' o.c.        |
| Beautyberry        | 3gal        | 450             | 5' o.c.        |
| Muhly Grass        | 1gal        | 1270            | 3' o.c.        |
| Cordgrass          | 1gal        | 1270            | 3' o.c.        |

### **Success Criteria**

The vegetative success criteria for the restoration areas include the goal for 80 percent coverage of desirable vegetation within twelve (12) months, and aerial coverage of exotic vegetation at zero percent, and nuisance vegetation limited to five percent or less within the restoration areas only.

Wildlife success criterion will include the documented observation wildlife utilization, or indicators of wildlife (i.e. tracks, scat, etc.). Specifically this will include the observation of mammal tracks, scratchings, rubs, evidence of forging, and or direct observations.

If, after twelve (12) months the parcel has not achieved desired coverage requirements, supplemental plantings will be completed. Supplemental plantings, (if any) will be noted in the monitoring report.

### **Maintenance**

Initial removal and maintenance of exotic/nuisance plant and animal species is a critical component of the restoration activities within the restoration area. Exotic/nuisance plant species will be controlled by physical and chemical means in addition to various land management practices. Maintenance activities will be perpetual.

### **Restoration Monitoring**

The restoration monitoring plan includes photo stations and data collection stations established along a transect through the restoration area. A total of six (6) data/photo



collection station will be established along the restoration area. At the station vegetative data will be collected as outlined below. The data station will also include a "panoramic" photo stations in order to visually document vegetative coverage and conditions in the preservation area.

Vegetative coverage will be documented at each of the data collection stations in the Monitoring Plan. The vegetative coverage will be measured as absolute coverage within an area of approximately 2500 square feet at the monitoring station. The vegetation will be measured in percent coverage of the restoration areas vegetation. The total percent cover will not exceed 100 percent, and each species documented will be reported in both common and Latin names. The coverage will be measured by visual observation in each of four quadrants from the fixed monitoring point. Observations will extend approximately twenty-five (25) feet from the observer in each direction thus covering approximately 2500 square feet at each station. The data from each quadrant observation will be combined to calculate the vegetative coverage. Station locations will be permanently marked with PVC pipe to ensure consistency in data collection. At least three (3) photos will be collected from compass points at each of the established photo stations to provide documentation of vegetative coverage.

In addition to vegetative coverage documentation, any observed wildlife utilization, or indicators of wildlife (i.e. tracks, scat, etc.) will be noted.

The monitoring will be conducted on an annual basis according to the schedule below. The data will be collected into quarterly reports that will be submitted as such for two (2) years so that maintenance and enhancement activity can be closely tracked. The reports provided will include a discussion and conclusion regarding progress towards the achievement of the success criteria as per the permit. If restoration goals are not met extended monitoring may be needed.

A bond for 100 percent of the cost of exotic vegetation removal, replanting, maintenance and monitoring shall be required for a period of two years from the date the planting was completed. The bond shall be submitted prior to receiving a certificate of occupancy of the first building permit.

#### **Monitoring/Maintenance Work Schedule**

The schedule for conducting the proposed monitoring and maintenance is based on the date of completion of the initial exotic treatment and replanting. The following schedule is proposed, with specific dates based upon receipt of notice to proceed.

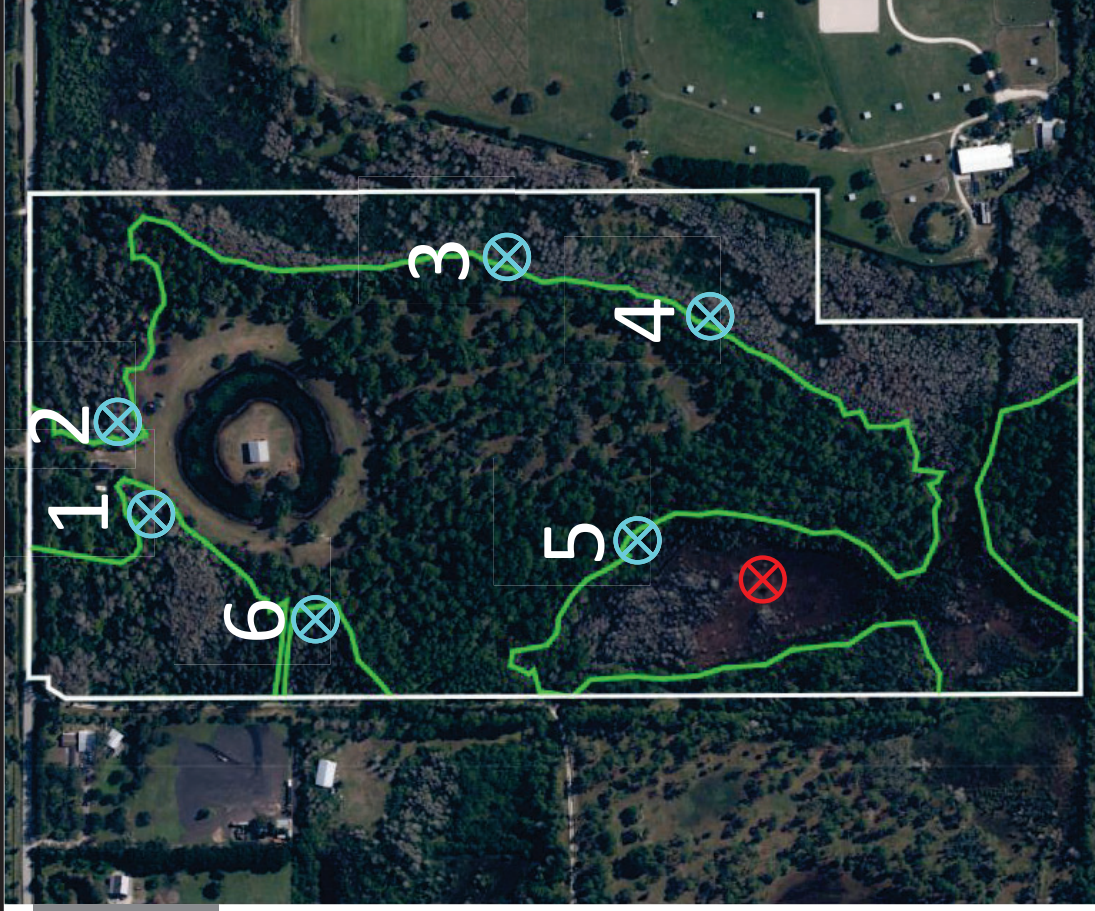
| Activity                                       | Months after Notice to Proceed |
|------------------------------------------------|--------------------------------|
| Complete planting of proposed restoration area | 1 month                        |
| County inspection of proposed restoration area | 1 month                        |
| Conduct Time Zero Monitoring                   | 1 month                        |

|                                                         |                      |
|---------------------------------------------------------|----------------------|
| Conduct exotic removal within restoration area          | On-going maintenance |
| First Annual Monitoring Report and Coverage Evaluation  | 12 months            |
| Second Annual Monitoring Report and Coverage Evaluation | 24 months            |
| Third Annual Monitoring Report and Coverage Evaluation  | 36 months            |
| Fourth Annual Monitoring Report and Coverage Evaluation | 48 months            |
| Fifth Annual Monitoring Report and Coverage Evaluation  | 60 months            |

- Monitoring Station



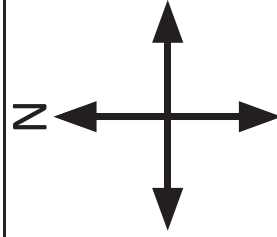
- Staff Gauge



6/24/2025

Monitoring Map

Map Source: Martin County



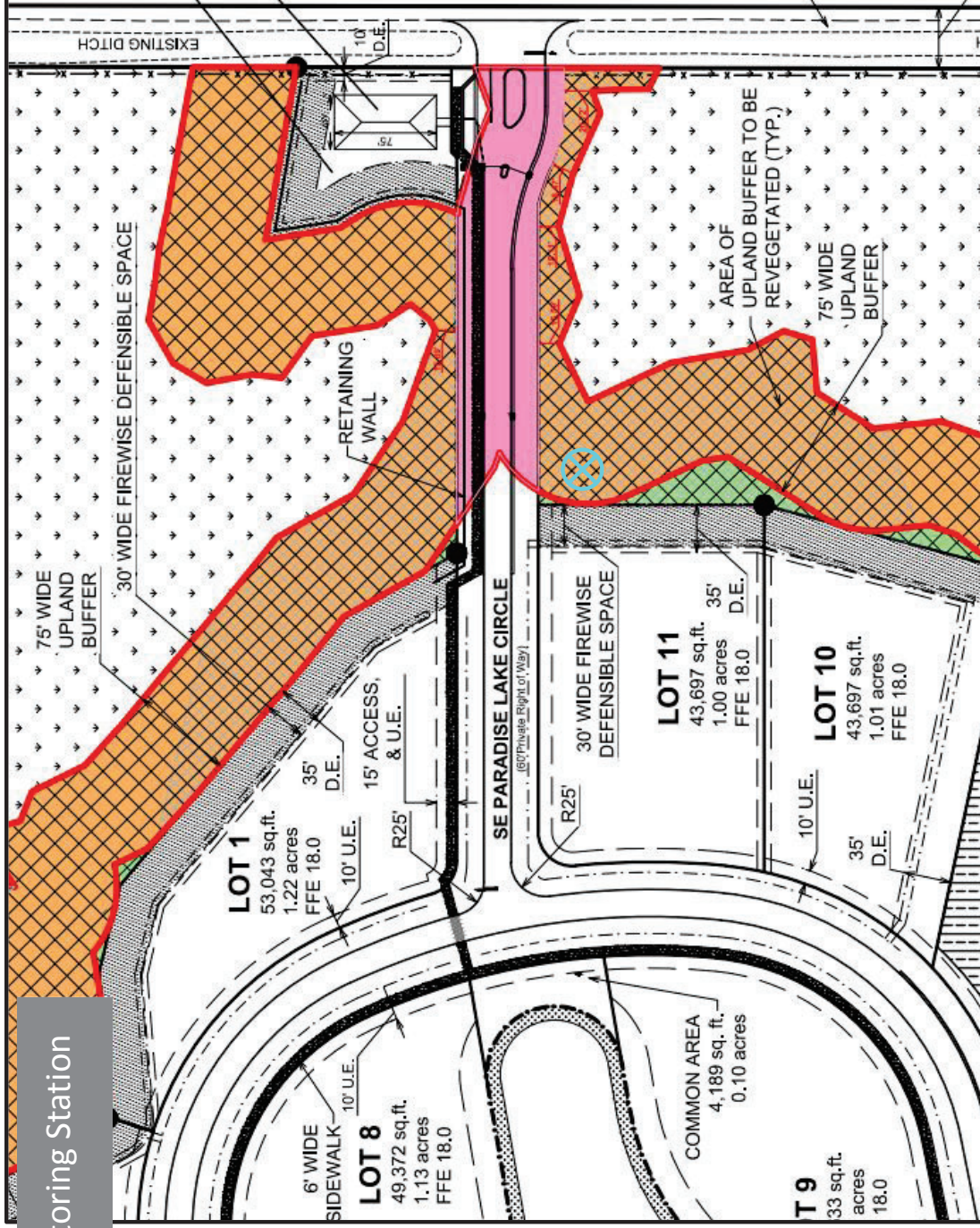
**SE 138th St  
Hobe Sound, FL**



Advanced Restoration Ecology



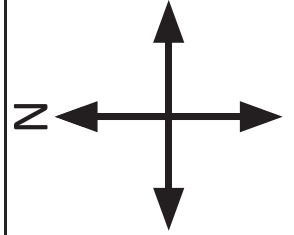
Monitoring Station



6/24/2025

Upland Restoration Area

Map Source: Martin County



## SE 138th St Hobe Sound, FL



Advanced Restoration Ecology



Monitoring Station



N 32°20'25" E 51.04'

**WETLAND #2**  
(Preserve Area Tract)

**WETLAND #1**  
(Preserve Area Tract)

35' D.E.

**LOT 2**  
43,760 sq.ft.  
1.00 acres  
FFE 18.0

75' WIDE  
UPLAND  
BUFFER

30' WIDE FIREWISE DEFENSIBLE SPACE

DISE LAKE CIRCLE

(Private Right of Way)

COMMON  
AREA  
3,270 sq. ft.

6' WIDE  
SIDEWALK

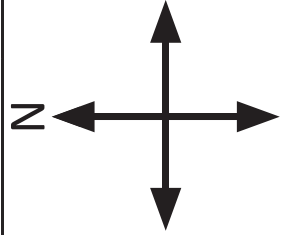
**LOT 1**  
53,043 sq.ft.  
1.22 acres  
FFE 18.0

35' D.E.

6/24/2025

Wetland Restoration Area

Map Source: Martin County



Advanced Restoration Ecology

**SE 138th St**  
**Hobe Sound, FL**

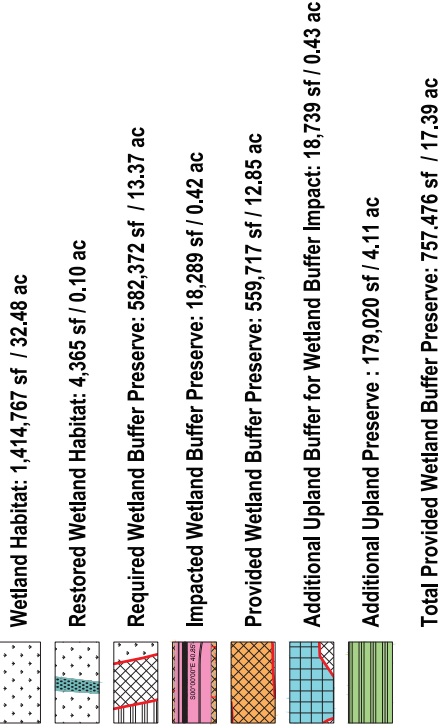




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Martin County, Florida  
Preserve Area  
Exhibit

[illegible]

**Total Provided Wetland Buffer Preserve: 757,476 sf / 17.39 ac**



