



Advanced Restoration Ecology

## MEMORANDUM

TO: Growth Management Department Director

FROM: Drew Gatewood

CC: File

DATE: 6/18/2025

RE: Grace Place Church, 1550 SE Salerno Road, Stuart, FL

The Grace Place Inc. is requesting to vacate the current Preserve Area Management Plan (PAMP) that is associated with a 0.64 acre “wetland” area located in the SE corner of the property. This Memorandum is provided in accordance with Section 4.36.C of the Martin County Land Development Regulations to request removal of the PAMP.

A Development approval was issued in 1999 for the Community Bible Chapel. The 0.64 acre wetland was identified during the approval process.

Martin County issued Resolution 01-2.11 (recorded July 10, 2001) for a revised final site plan for the Grace Place which included the 0.64 acre wetland.

The South Florida Water Management District (SFWMD) issued an ERP permit (43-01269-P) for the Grace Place parcel on August 27, 2001. At this time the area in the SE corner of the property was classified as a wetland and placed under a Conservation Easement.

In March 2005, Martin County issued a Resolution No. DRC-05-2.1 approving the final site plan. This Resolution included a PAMP identifying the 0.64 acre wetland.

On November 30, 2006 the SFWMD (Application 061106-28) officially reclassified the 0.64 acre wetland as an “other surface water” (OSW). The decision was based on topographic survey data and historic aerials. The area in the SE corner of the property was historically excavated for fill likely for the adjacent property to the east (Snake Road Auto Salvage). According to the District, the area was dominated with exotic/nuisance vegetation (torpedo grass and primrose willow) and nearly impossible to access. A review of the District’s file

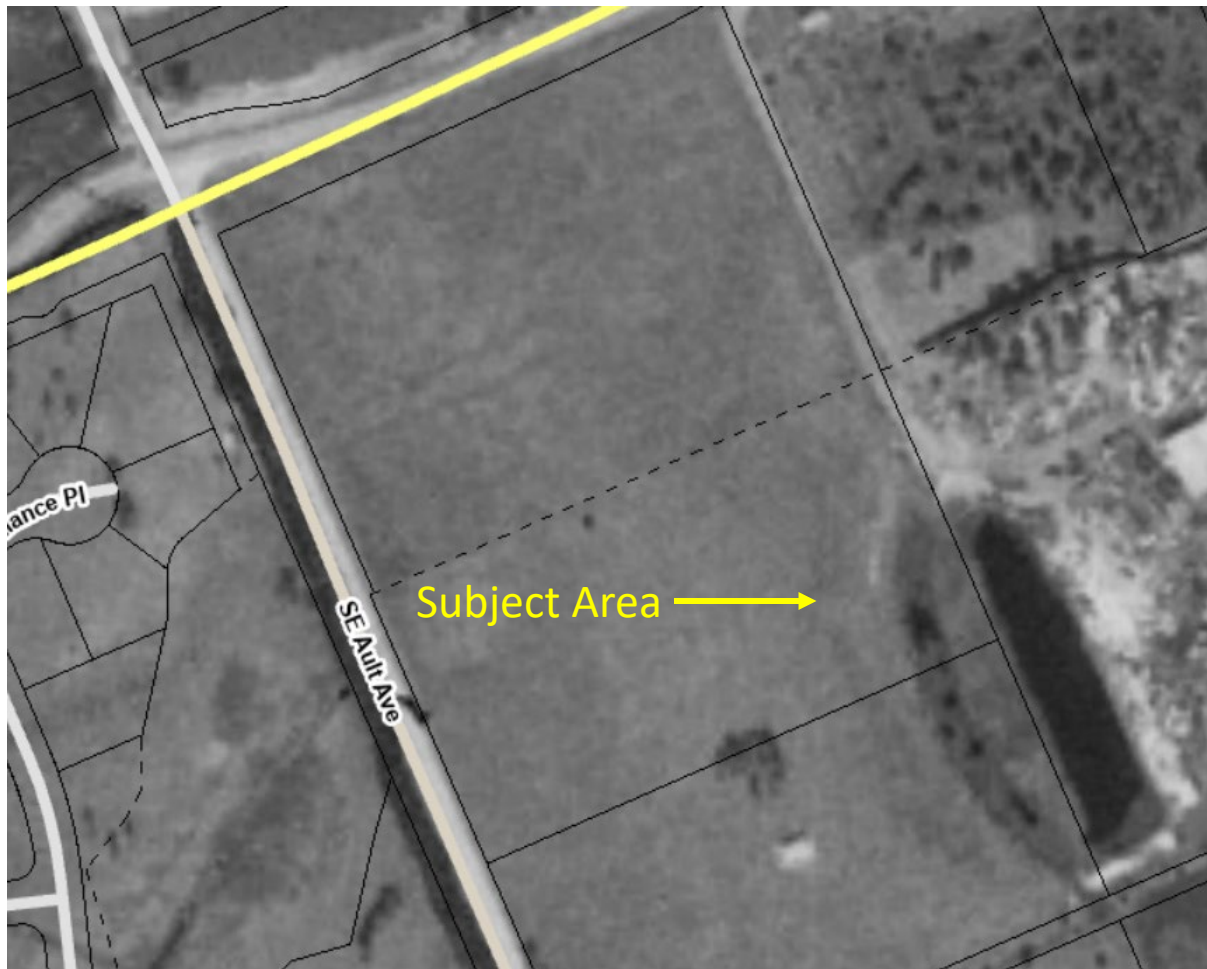
indicates that bottom elevations in the subject area ranged from 3.6' to 9.2' deep indicating that this area was historically used as a borrow area. Please see attached historic aerials.

Due to the fact that this "wetland" has been officially reclassified to an OSW by the SFWMD, we are requesting to vacate the current PAMP for the subject area.

Regards,

Drew Gatewood, MS, PWS, CWB, ISA Certified Arborist

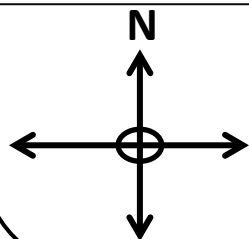
A handwritten signature in black ink, appearing to read "Drew Gatewood", located below the typed name.



6/16/2025

Aerial 1970

Map Source: MCPA



**Grace Place**  
**1550 SE Salerno Road**  
**Stuart, FL**

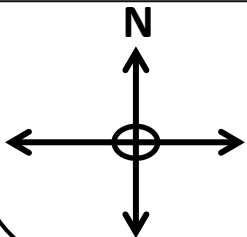




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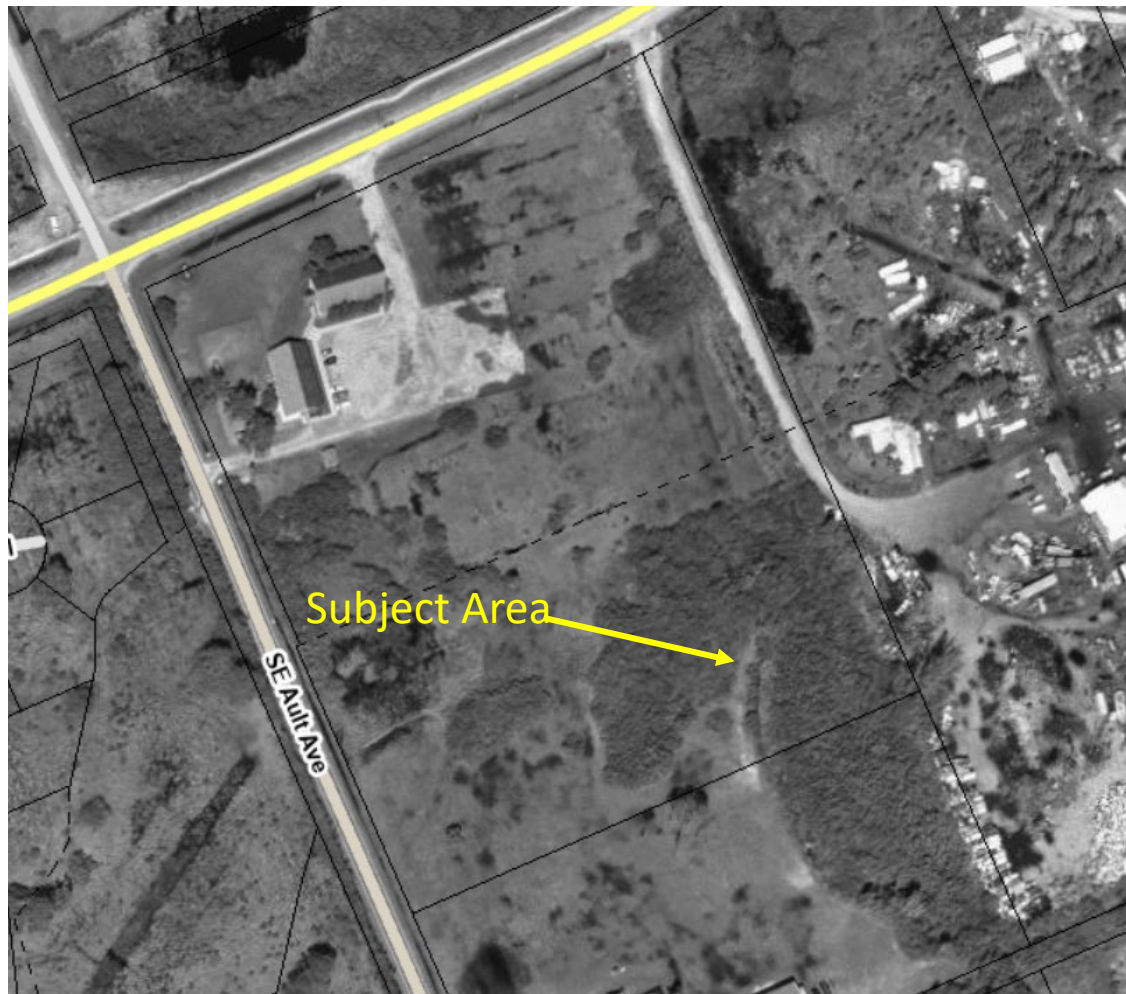
Aerial 1980

Map Source: MCPA



**Grace Place**  
**1550 SE Salerno Road**  
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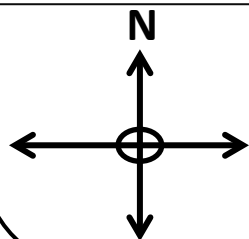




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Aerial 1995

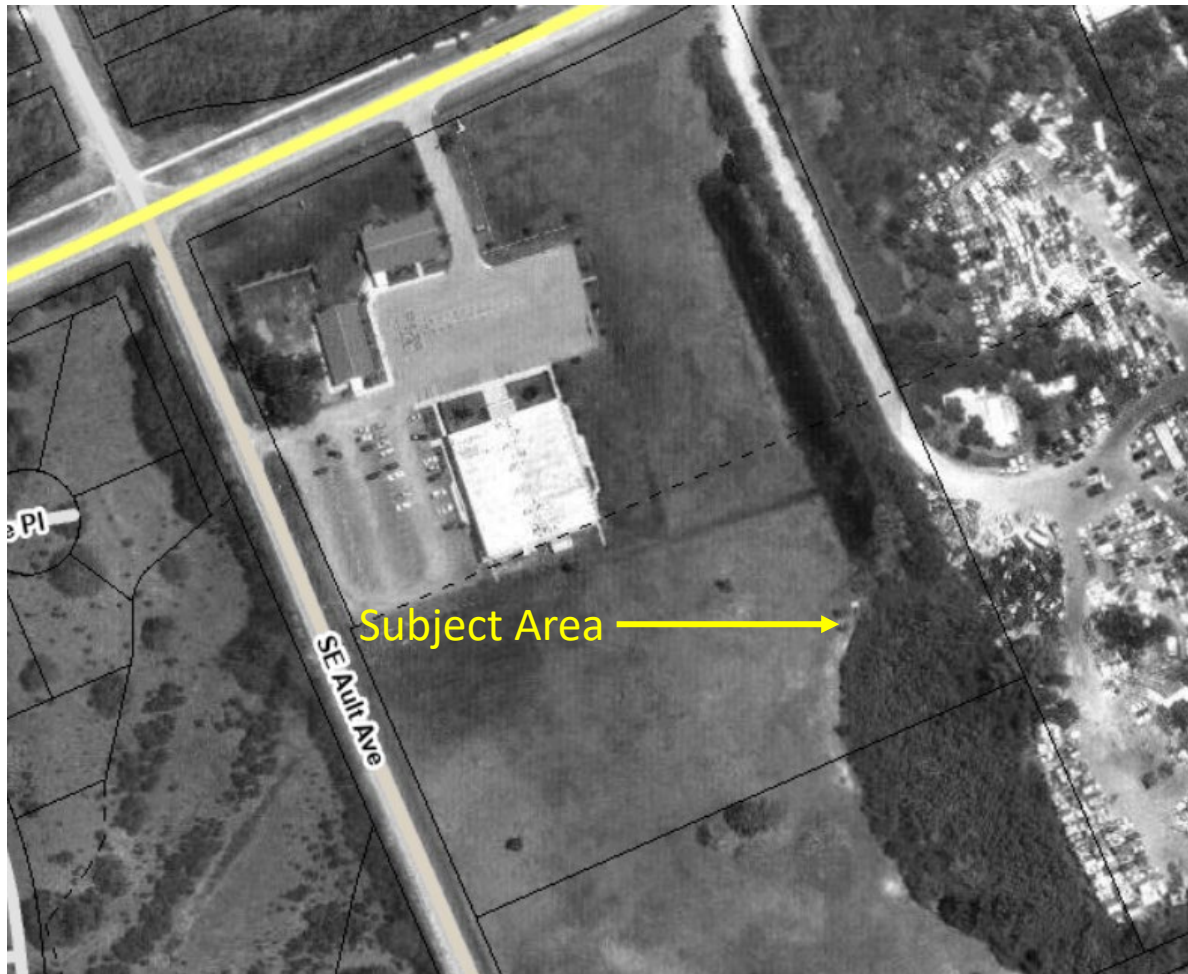
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**Grace Place**  
**1550 SE Salerno Road**  
**Stuart, FL**



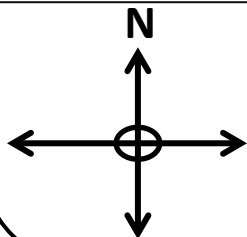




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Aerial 2000

Map Source: MCPA



**Grace Place**  
**1550 SE Salerno Road**  
**Stuart, FL**

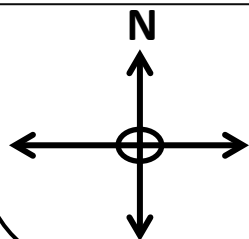




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Aerial 2004

Map Source: MCPA



**Grace Place**  
**1550 SE Salerno Road**  
**Stuart, FL**



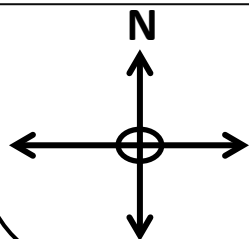




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Aerial 2013

Map Source: MCPA



**Grace Place**  
**1550 SE Salerno Road**  
**Stuart, FL**



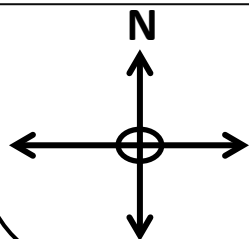




6/16/2025

Aerial 2023

Map Source: MCPA



**Grace Place**  
**1550 SE Salerno Road**  
**Stuart, FL**



FILED FOR RECORD  
Clerk of  
Development Review Committee  
MARTIN CO., FL

Prepared By:  
Martin County  
Growth Management Department  
2401 S.E. Monterey Road  
Stuart, FL 34996

BY: 3-28-05  
DATE: Alexis Johnston

[space above line provided for recording data]

BEFORE THE DEVELOPMENT REVIEW COMMITTEE  
MARTIN COUNTY, FLORIDA

RESOLUTION NUMBER DRC - 05-2.1

[REGARDING FINAL SITE PLAN APPROVAL  
FOR THE GRACE PLACE COMMUNITY CHURCH  
WITH A CERTIFICATE OF PUBLIC FACILITIES RESERVATION]

**WHEREAS**, the Development Review Committee has made the following determinations of fact:

1. The Grace Place Community Church, submitted an application for final site plan approval for Grace Place Community Church, hereinafter known as The Grace Place, located on lands legally described in Exhibit A, attached hereto.
2. This Committee considered such application at a public meeting on February 17, 2005.
3. At the public meeting all interested parties were given an opportunity to be heard.

**NOW, THEREFORE, BE IT RESOLVED BY THE DEVELOPMENT REVIEW COMMITTEE OF MARTIN COUNTY, FLORIDA, THAT:**

A. The final site plan for The Grace Place a copy of which has been reduced and attached hereto as Exhibit B, is approved. Development of The Grace Place shall be in accordance with the approved final site plan and the Final Preserve Area Management Plan attached hereto as exhibit C.

B. No permits for construction or development activity shall be issued until all required documents, plans and fees are received and approved as required by Section 10.9, Land Development Regulations, Martin County Code.

C. Failure to submit the required documents, plans and fees as required by Section 10.9, LDR, shall render the final site plan approval null and void.

D. Pursuant to Section 10.11.D., LDR, building permits or other applicable County permits shall be obtained no later than one (1) year after the date of approval of the final site plan and all construction shall be completed consistent with the requirements of Article 5, Adequate Public Facilities and Transportation Impact Analysis, LDR. However, this mandatory timetable shall not apply to the development of approved uses on individual lots when a plat is approved subsequent to the approval of the final site plan.

E. This application is hereby determined to meet the requirements for and shall serve as a Certificate of Public Facilities Reservation as set forth in Section 5.32D., Land Development Regulations, Martin County Code.

F. This resolution shall be recorded in the public records of Martin County. A copy of this resolution shall be forwarded to the applicant(s) by the Growth Management Department subsequent to recording.

**DULY PASSED AND ADOPTED THIS 17TH DAY OF FEBRUARY, 2005.**

DEVELOPMENT REVIEW COMMITTEE

BY: Nicki van Vonno  
NICKI van VONNO, CHAIR/DIRECTOR OF  
GROWTH MANAGEMENT DEPARTMENT

APPROVED AS TO LEGAL FORM  
AND CORRECTNESS:

BY: Krista A. Storey  
KRISTA A. STOREY  
SENIOR ASSISTANT COUNTY ATTORNEY



## EXHIBIT "A"

PROPERTY DESCRIPTION:

TRACT 4 (LYING SOUTH OF S.E. SALERNO ROAD) AND THE NORTH 1/2 OF TRACT 5, BLOCK 65, ST. LUCIE INLET FARMS, ACCORDING TO THE PLAT THEREOF FILED JANUARY 4, 1911, RECORDED IN PLAT BOOK 1, PAGE 98, PALM BEACH (NOW MARTIN) COUNTY, FLORIDA, PUBLIC RECORDS.

SUBJECT TO: AN EASEMENT FOR INGRESS/EGRESS AND ACCESS PURPOSES OVER AND ACROSS THE EAST 35 FEET OF TRACT 4, LYING SOUTH OF S.E. SALERNO ROAD, AND OVER THE EAST 35 FEET OF THE NORTH 90 FEET OF TRACT 5.

SAID PARCEL CONTAINING 11.201 ACRES.

PARCEL CONTROL NO. 5538410000650004030000

YOUTH MULTI-PURPOSE FACILITY FOR  
**THE GRACE PLACE, INC.**  
 S.E. SALERNO ROAD. & S.E. AULT ROAD

## LEGAL DESCRIPTION

DATE: 08.17.04

SCALE:

PAGE 1 OF 1

NO.

REVISION

DATE

**C. CALVERT MONTGOMERY & ASSOCIATES, INC.**  
 Engineers

P.O. BOX 92...959 S. FEDERAL HWY.....STUART, FLORIDA 34995  
 (Tel.) 772-287-3636 (Fax) 772-220-0580

EXHIBIT A

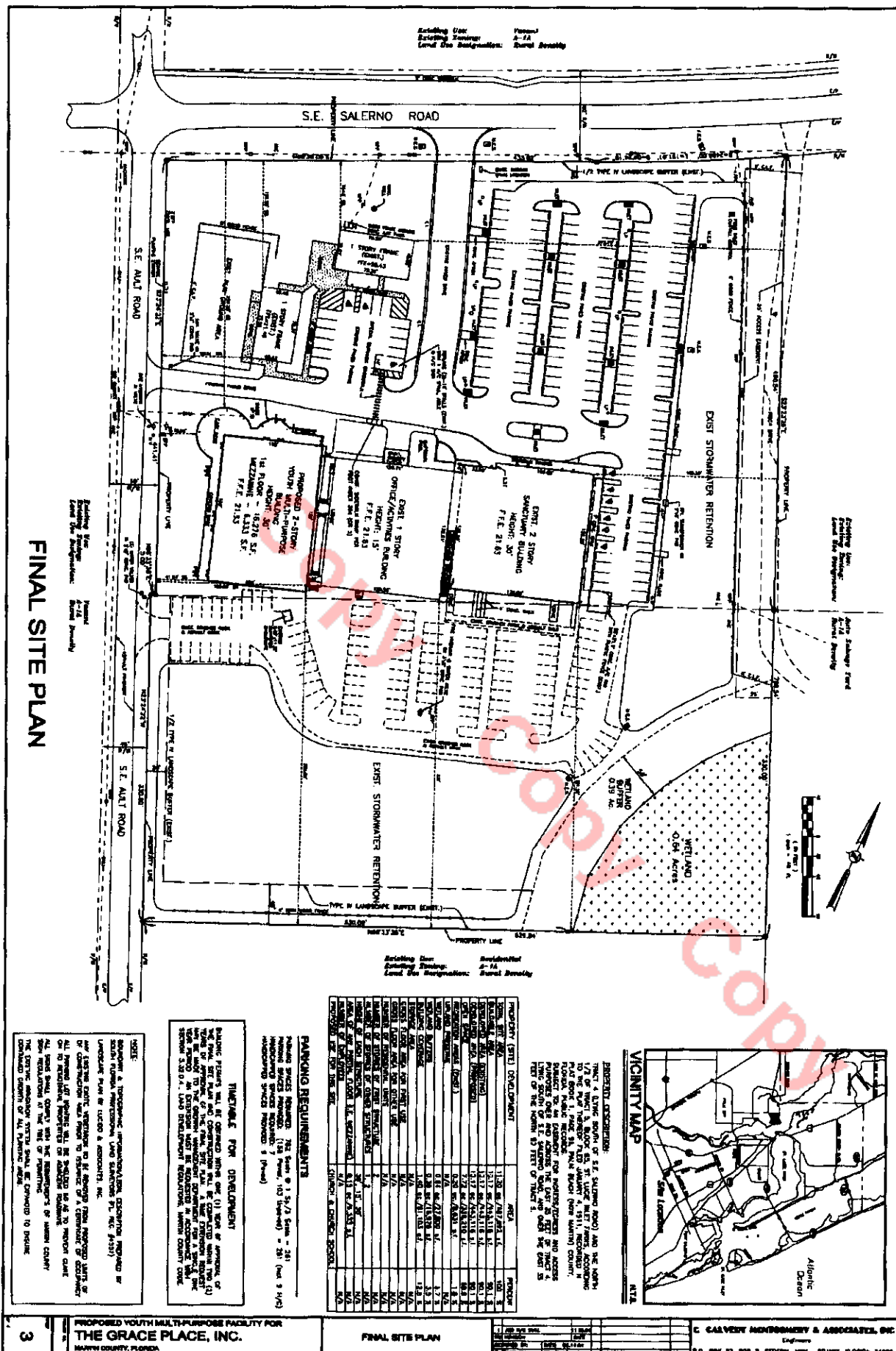


Exhibit "C"

**MARTIN COUNTY, FLORIDA**

**PRESERVE AREA MANAGEMENT  
PLAN**

For:

**THE GRACE PLACE**

**1550 SE SALERNO ROAD**

**PARCEL CONTROL NUMBER 55 38 41 0000 40 30000**

Prepared by:

**BLYTHE ENVIRONMENTAL, INC.**  
**4248 SE COMMERCE AVENUE**  
**STUART, FLORIDA 34907**

Approved by/Date : \_\_\_\_\_



A Preserve Area Management Plan (PAMP) is required of all applicants for development approval on sites which contain wetland or upland preserve areas, pursuant to provisions of Section 4.36.A.1 of the Martin County Land Development Regulations, Martin County Code.



## **TABLE OF CONTENTS**

<b>1.0</b>	<b>GENERAL</b>
<b>2.0</b>	<b>ENVIRONMENTAL ASSESSMENT</b>
	2.1 Location
	2.2 Soils
	2.3 Habitats
	2.4 Protected Species
	2.5 Previous Impacts
	2.6 Agency Correspondence
<b>3.0</b>	<b>IDENTIFICATION OF PRESERVE AREAS</b>
	3.1 Site Plan
	3.2 Legal Recording
<b>4.0</b>	<b>SURVEYING, MARKING AND BARRICADING REQUIREMENTS</b>
	4.1 Preserve Area Surveying Requirements
	4.2 Preserve Area Boundary Markers and Signs
	4.3 Barricading Requirements
<b>5.0</b>	<b>USE OF PRESERVE AREAS</b>
	5.1 Activities Allowed in Preserve Areas
	5.2 Activities Prohibited in Preserve Areas
<b>6.0</b>	<b>RESTORATION AND MAINTENANCE ACTIVITIES</b>
	6.1 Exotic Vegetation Removal
	6.2 Revegetation
	6.3 Vegetation Removal
	6.4 Prescribed Burns
	6.5 Hydrology
	6.6 Mitigation Plan
<b>7.0</b>	<b>PROTECTIVE MEASURES FOR LISTED SPECIES</b>
	7.1 Gopher Tortoises
	7.2 Endemic Species
	7.3 Relocation of Tortoises
<b>8.0</b>	<b>MISCELLANEOUS PROVISIONS AND RESTRICTIONS</b>
<b>9.0</b>	<b>TRANSFER OF OWNERSHIP/RESPONSIBILITIES</b>
<b>10.0</b>	<b>MONITORING, REPORTING AND INSPECTIONS</b>
	10.1 Monthly Construction Reports

## **TABLE OF CONTENTS (Continued)**

**10.2 Annual Monitoring Reports**  
**10.3 Inspections**

**11.0 ENFORCEMENT**

### **MAPS**

**Location Map**  
**Soil Survey Map**  
**Wetland Delineation Map**

### **APPENDICES**

**Project Site Plan**  
**Illustrations of Preserve Area Boundary Markers and Signs**  
**Annual Monitoring Report Form**

## **1.0 GENERAL**

The owner(s) of the lands to be preserved/maintained by this Preserve Area Management Plan (PAMP) and the developer(s) of The Grace Place located 1550 SE Salerno Road, Stuart, Florida 34997 their successors and assigns, and their environmental consultants and contractors, will implement and comply with all portions of this PAMP.

Compliance with the terms of this PAMP includes submittal of all Monthly Monitoring Reports on PAMP compliance throughout all phases of project construction and submittal of all Annual Monitoring Reports following completion of project construction, pursuant to Section 10.17 of the Martin County Land Development Regulations. The owner(s) of the lands to be preserved/maintained shall have ultimate responsibility for the submittal of all Monthly and Annual Monitoring Reports, according to the format and schedule requirements of Section 10 of this PAMP.

As noted in Section 9 of this PAMP, the Martin County Environmental Planning Administrator shall be notified in writing within thirty (30) days of transfer of ownership of any lands to be preserved/maintained under the terms of this PAMP. Failure to notify shall be considered as non-compliance with the terms of this PAMP.

This PAMP will not be altered or amended by either Martin County or the owner/developer of The Grace Place except by an alteration or amendment agreed to by both the Martin County Environmental Planning Administrator and the owner/developer of The Grace Place. Such alterations and amendments shall be inserted into the PAMP and the final revised document shall be recorded by the Martin County Clerk of Courts. The revised PAMP will be labeled with the appropriate O.R. Book and Page Number. Three copies of the revised document shall be provided to the Martin County Environmental Planning Administrator within thirty (30) days of the Recording date.

## **2.0 ENVIRONMENTAL ASSESSMENT**

The Environmental Assessment includes maps and text which accurately depict the site's location, soils, wetlands, uplands, listed species, previous impacts, preserve area locations and boundaries, and any other significant environmental features.

- 2.1 **Location**—The Grace Place is located at 1550 SE Salerno Road, Stuart, Florida. It is in East Central Martin County between SE Federal Highway (US Highway 1) and SE Kanner Highway (SR-76). A location map is located in the appendix.
- 2.2 **Soils**- #4 Waveland. Waveland Sand is a nearly level poorly drained soil in broad areas of the pine flatwoods. The water table is at a depth of less than 10



inches for 2 to 4 months during wet seasons and within a depth 40 inches for 6 months or more during most years. Most of the vegetation found on this soil type at this site has been cleared and planted in bahia grass many years ago. Vegetation associated with this soil includes slash pine, sawpalmetto, waxmyrtle, fetterbush, dwarf huckleberry, pineland threeawn, bluestems, indiagrass, and panicums

2.2 Habitats – The Grace Place contains only one native habitat type and it appears it may have been an old borrow area to construct an access road to the Snake Road Auto Salvage parcel immediately to the South. The Florida Land Use Classification codes for the site are: 742 Borrow Area (Other Surface Waters) and 172 Religious.

2.3 Wetland Habitats – A small excavation assumed to be an old excavation used to obtain fill material for an access road into the Snake Road Auto Salvage Parcel near the Southern property line. It has been monitored and maintained since an initial development approval was obtained in 1999 for additions to the original Community Bible Chapel and Preschool site. This small excavated depressional area has been difficult to control due to rampant coverage by torpedo grass and primrose willow. Most of this area is approximately 4-6 feet in depth of water and covered by water tolerant scrub-shrub species creating conditions nearly impossible to treat by foot or by boat.

### 3.0 IDENTIFICATION OF PRESERVE AREAS

3.1 Site Plan - All Preserve Areas, right-of-ways and easements are shown on the The Grace Place Site Plan, a copy of which is included in this PAMP. The Site Plan includes a summary of the following: acreage of wetlands under preservation; acreage of native upland habitat under preservation; acreage of common upland habitat under preservation; total acreage under preservation; and total acreage of the Site.

The Site Plan will contain the notation: "PRESERVE AREAS ARE NOT TO BE ALTERED WITHOUT WRITTEN PERMISSION OF THE MARTIN COUNTY BOARD OF COUNTY COMMISSIONERS."

3.2 Legal Recording - The final Grace Place Site Plan will be recorded with the PAMP by the Martin County Clerk of Courts. The Site Plan and the PAMP will be labeled with the appropriate O.R. Book and Page Number and copies of each recorded document will be provided to the Martin County Environmental Planning Administrator within thirty (30) days of the Recording date.

#### **4.0 SURVEYING, MARKING AND BARRICADING REQUIREMENTS**

All Preserve Areas shown on the Site Plan for Grace Place will be surveyed and marked in the field with appropriate survey markers and signage. During the clearing and construction phases of the project, Preserve Area boundaries will be marked by physical barriers. No plant material will be removed from the Preserve Areas to facilitate surveying, fencing or soil boring/sampling without prior permission from the Martin County Environmental Planning Administrator.

- 4.1 Preserve Area Surveying Requirements** - Each Preserve Area will 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 will be constructed under the supervision of a Registered Land Surveyor and will be shown on the Site Plan. Map coordinates of each Preserve Area will be provided to the Martin County Environmental Planning Administrator, in a form compatible for use in the County's GIS mapping system.
- 4.2 Preserve Area Boundary Markers and Signs** - Preserve Areas will be posted with permanent signs and boundary markers. Boundary Markers will be placed at the corners of residential lots abutting Preserve Areas. Signs will be at least 11 x 14 inches in size and will be posted in conspicuous locations along the Preserve Area boundary, at a frequency of no less than one (1) sign per 500 feet. All boundary markers and signs will be approved by the Martin County Environmental Planning Administrator and they will be in place prior to issuance of a building permit for construction on the site. Illustrations of the signs and markers to be used for this project are included as an Appendix to this PAMP.
- 4.3 Barricading Requirements** - Prior to clearing, the developer will ensure that all Preserve Areas are protected with physical barriers during all clearing and construction activities in accordance with the following guidelines. Barricades will be inspected by County Environmental Division staff prior to work approval. Removal of the barricade materials will be done upon issuance of the final Certificate of Occupancy with authorization from appropriate County staff.

Barricades (not including turbidity screens) will be high-visibility orange safety fence extending from the ground to a height of at least 4 feet. Barricades will not be attached to vegetation.

All barricades and turbidity screens will be upright and maintained intact for the duration of construction.

Where areas are proposed for clearing (i.e. building envelope, utilities, drainage, road right-of-way, etc.) the bright orange barricades will be offset

at least 10 feet outside the Preserve Area or placed at the dripline of the canopy trees, whichever is greater.

All native vegetation not slated for removal as part of the development plans will be retained in their undisturbed state and will be barricaded at or outside the dripline of the trees.

Cut or fill will meet existing grade without encroaching into Preserve Areas.

Wetlands will be protected from possible surface water and sediment runoff by the placement of silt screens, hay bales or other turbidity control measures, at or beyond the delineation line prior to any land clearing or construction.

It is the responsibility of the owner and developer of The Grace Place to inform all contractors of these Marking and Barricading Requirements. Failure to comply with these Marking and Barricading Requirements will be considered a violation of the Site Plan approval. Further work on the project may be stopped until compliance with the Marking and Barricading Requirements is achieved, and the owner or developer may be required to appear before the Code Enforcement Board.

## **5.0 USE OF PRESERVE AREAS**

**5.1 Activities Allowed In Preserve Areas** – Activities allowed within the Preserve Area of The Grace Place are limited to those associated with maintenance of nuisance and exotic plant species and the removal of trash and debris that may have been dropped or wind blown into this area. These activities are further described in section 6.0 of the Preserve Area Management Plan for The Grace Place.

**5.2 Activities Prohibited In Preserve Areas** - Activities prohibited in Preserve Areas or easements within Preserve Areas include, but are not limited to: construction or placing of building materials on or above the ground; dumping or placing soil or other substances such as garbage, trash, and cuttings; removal or destruction of native trees, shrubs or other native vegetation; excavation, dredging or removal of soil materials; diking or fencing; vehicular traffic including use by non-motorized 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 heavy equipment will be stored during the construction phases. On-site fuel tanks shall 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 structures (e.g. pools, sheds, decks, fences) shall be set back a minimum of five (5) feet from the Preserve Area boundary.

Development activities such as the construction of building pads for associated structures, swales, or culverts for surface water management shall not alter the hydrology of adjacent Preserve Areas. Nor shall any activities increase non-point source pollution in Preserve Areas.

Grazing of cattle and horses or other livestock in Preserve Areas, while not prohibited, is discouraged. Over-grazing can result in destruction of habitat, loss of top soils and changes in hydrology of the area as a result of the loss of ground cover material, increased fertilization from animal droppings, and contamination of surface waters. These and other effects of over-grazing will be considered violations of this PAMP and will be addressed as any other PAMP violation.

#### **6.0 RESTORATION AND MAINTENANCE ACTIVITIES**

Except for approved restoration and maintenance activities, Preserve Areas will be left undisturbed. All maintenance of Preserve Areas will be in accordance with this PAMP for The Grace Place. Maintenance and management activities will be performed by or under the supervision of a qualified environmental professional and must be approved by the Martin County Environmental Planning Administrator. The following restoration and maintenance activities may be allowed within Preserve Areas with prior written approval from the Environmental Planning Administrator: exotic plant removal, revegetation or planting native vegetation, and removal of dead, diseased, or safety hazard plant material.

**Exotic Vegetation Removal** –The preserve area has been under management for the removal of exotic and nuisance plants at The Grace Place since 1999. Ongoing management in accordance with this Preserve Area Management Plan will insure that the site will remain free of these types of plants.

Exotic vegetation shall be and has been 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. No debris, including dead plants, plant clippings or wood scraps, shall be allowed in Preserve Areas. In addition, all dead plant material and exotic plant debris removed from Preserve Areas shall be disposed of in a County-approved recycling facility.

- 6.1 **Exotic Plant Removal** - Exotic plants are non-native plant species designated as exotics by Martin County. Exotic plants shall be removed from preserve areas by the least ecologically damaging method available. Such methods include hand pulling and hand spading chain saws and treatment with an appropriated herbicide. Exotic vegetation in wetland preserve areas shall be treated with an appropriate herbicide. No debris, such as, plant clippings or wood scraps, shall be allowed in preserved areas.
- 6.2 **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 submitted to the Martin County Environmental Planning Administrator for approval prior to implementation.
- 6.3 **Vegetation Removal** - Dead or diseased plant material shall be removed from Preserve Areas upon approval by the Martin County Environmental Planning Administrator. Revegetation may be required for any removed plant material. No debris, including dead plants, plant clippings or wood scraps, shall be allowed in Preserve Areas. All dead plant material and debris removed from Preserve Areas shall be disposed of in a County-approved recycling facility.
- 6.4 **Prescribed Burns** - Martin County considers prescribed burns an acceptable habitat management tool. When approved by the Martin County Environmental Planning Administrator, they will be conducted by a certified burn manager who will be responsible for obtaining all appropriate permits from State and local agencies.
- 6.5 **Hydrology** - Previous or potential drainage impacts will 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. Wetlands and waterbodies on adjacent properties shall be protected from adverse impacts.

## **7.0 PROTECTIVE MEASURES FOR LISTED SPECIES**

A survey for protected plants and animals was conducted on this site. Parallel pedestrian transects were walked at ten meter intervals to observe for nests, dens, burrows, and plants that may occur on protected species lists. Random observation stations were established and monitored in all directions for avian species.

No protected plants or animals were observed on this site due in part to the lack of suitable habitat for feeding and cover.

## **8.0 MISCELLANEOUS PROVISIONS AND RESTRICTIONS**

The South Florida Water Management District has identified the small excavated area as a wetland or Other Surface Water and has been requiring monitoring and maintenance in accordance with their permit requirements.

## **9.0 TRANSFER OF RESPONSIBILITIES**

The property owner(s) and developers of The Grace Place are responsible for implementation of all requirements of this Preserve Area Management Plan until such time as the developer transfers responsibility to the owners or a successor. The Martin County Environmental Planning Administrator will be notified in writing within thirty (30) days of transfer of ownership of any lands to be preserved under this PAMP. Failure to notify will be considered as non-compliance with the terms of this PAMP. The developer will pay his share of total cost of management activities or fines on a per lot basis if he retains ownership of lots. At such time as the developer is ready to transfer control of The Grace Place to the property owners, whether the developer retains ownership of the lots in the project or not, an environmental professional shall certify, in writing, to the Martin County Environmental Planning Administrator, that the Preserve Areas are in full compliance with this PAMP.

The developer and/or successor will be responsible for maintaining the Preserve Areas in their existing natural condition with the periodic removal of invasive exotic vegetation. After transfer of responsibilities, funding for all maintenance and management programs will be the responsibility of all successors.

## **10.0 MONITORING, REPORTING AND INSPECTIONS**

**10.1 Monthly Construction Reports** – During construction of The Grace Place, the developer will be responsible for submitting a monthly report on the progress of The Grace Place, which will address all aspects of the site construction relative to the Preserve Areas. Information regarding construction and maintenance of the Preserve Areas, such as placement of barriers and signage, removal of exotic vegetation, revegetation, prescribed burns, etc. will be described and supported with photographs, where appropriate.

### **10.2 Annual Monitoring Reports -**

Monitoring and reporting will be conducted annually by a qualified environmental professional for a period of five years from the date of completion of the project or project phase encompassing the monitored area. Annual monitoring will be conducted at the end of the wet season (usually by November 30) and a report of the monitoring will be submitted to the Martin

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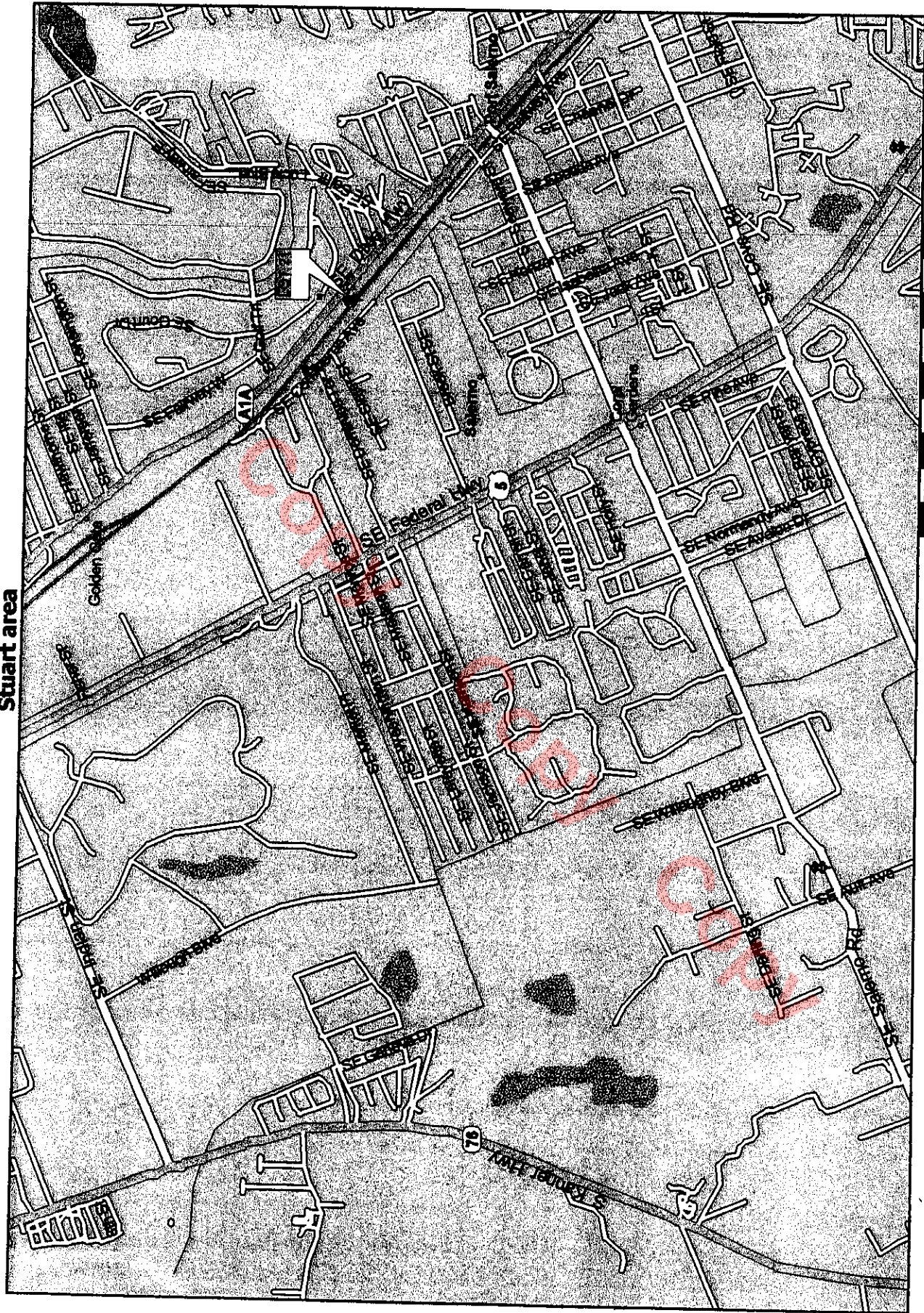
## **APPENDICES**

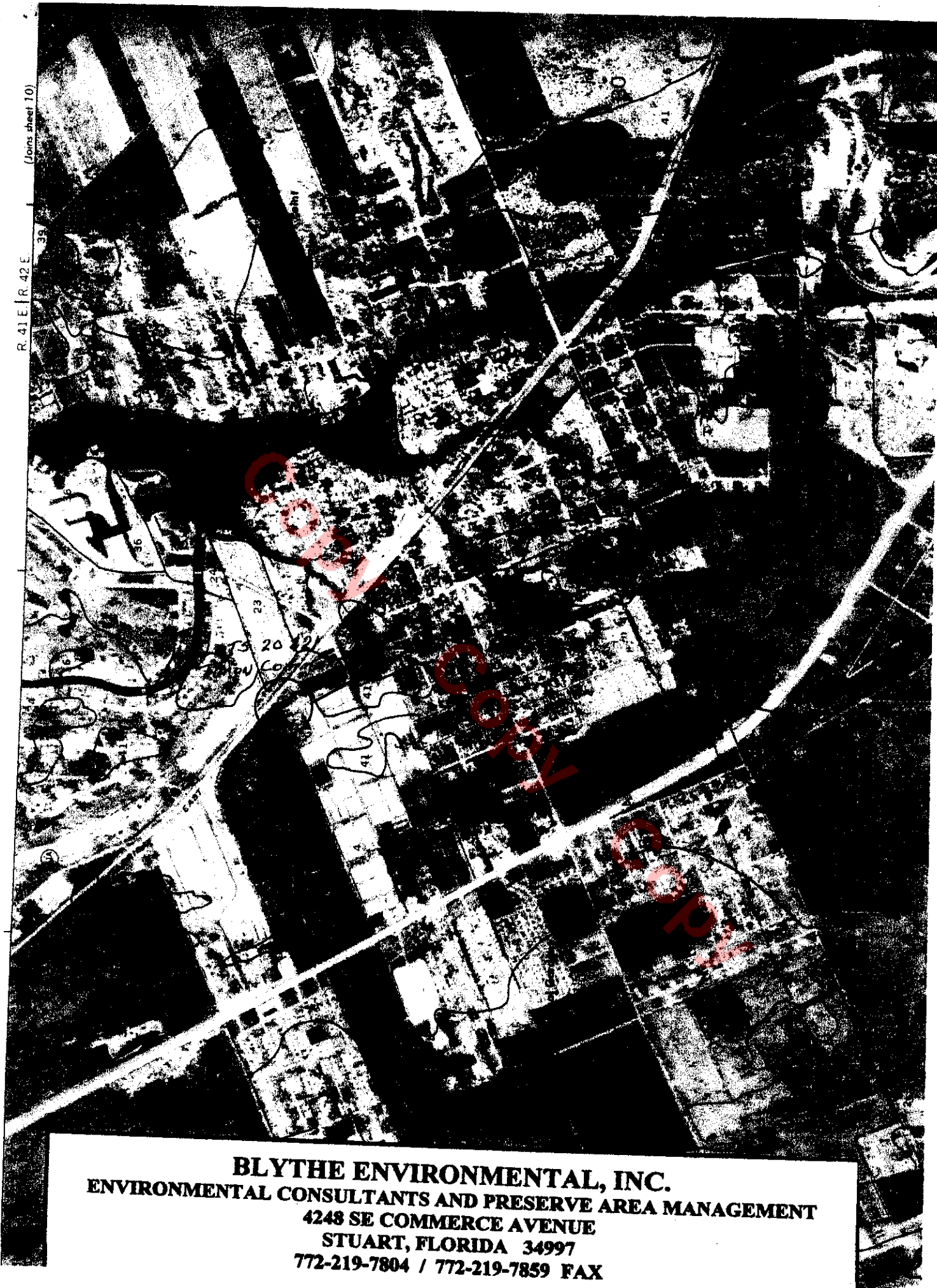
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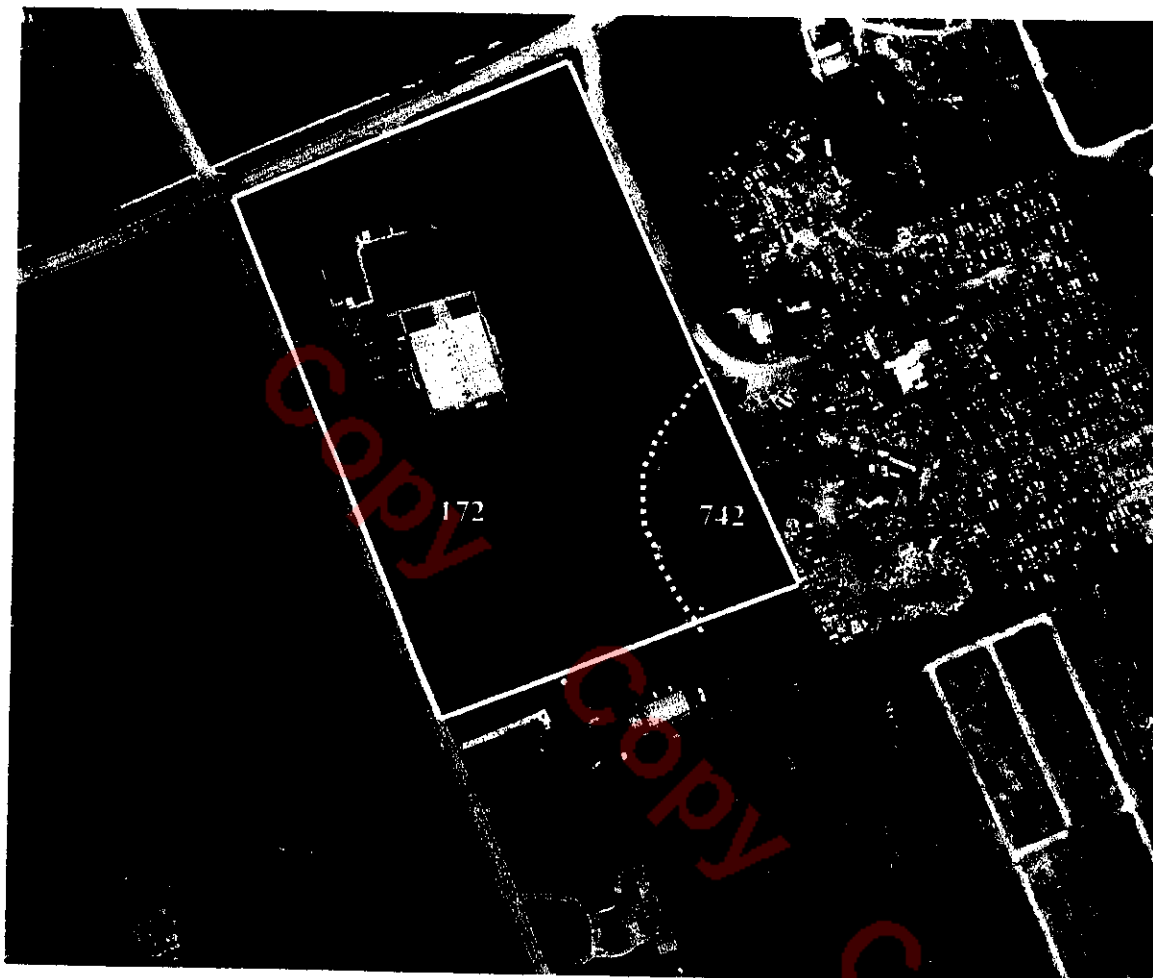
# Stuart area





**BLYTHE ENVIRONMENTAL, INC.**  
**ENVIRONMENTAL CONSULTANTS AND PRESERVE AREA MANAGEMENT**  
**4248 SE COMMERCE AVENUE**  
**STUART, FLORIDA 34997**  
**772-219-7804 / 772-219-7859 FAX**





**The Grace Place**

**200 Aerial**

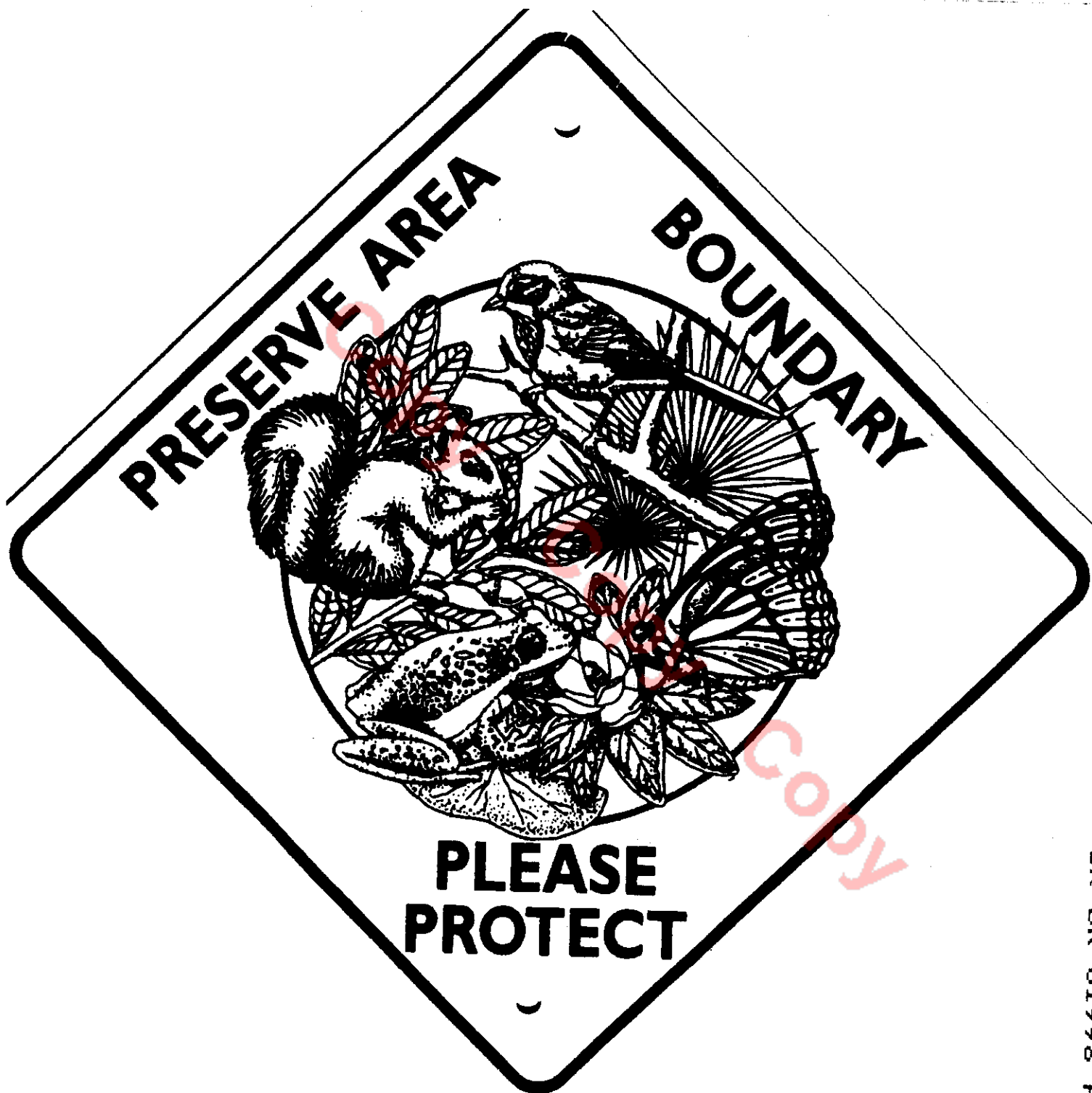
**FLUCCS CODE**

**172 Religious**

**742 Borrow Area**

**THE GRACE PLACE  
1980 AERIAL**





**SOUTH FLORIDA WATER  
MANAGEMENT DISTRICT**

**BEG. PERMIT NUMBER:**

43-01269-P

**APPLICATION NUMBER:**

061106-28

- 43-01269-P -



## SOUTH FLORIDA WATER MANAGEMENT DISTRICT

MARTIN/ST. LUCIE SERVICE CENTER Willoughby Crossroads, 780 SE Indian Street, Stuart, FL 34977  
(772) 223-2600 • FL WATS 1-800-250-4100 • Suncom 269-2600 • Fax (772) 223-2608 • [www.sfwmd.gov/msl/](http://www.sfwmd.gov/msl/)

Environmental Resource Regulation  
Application No.: 061106-28

November 30, 2006

GRACE PLACE, INC.  
1550 S.E. SALERNO RD.  
STUART, FL 34997

Dear Permittee:

**SUBJECT: PERMIT NO.: 43-01269-P**  
**Project :** GRACE PLACE  
**Location:** Martin County, S34/T38S/R41E

District staff has reviewed the information submitted November 6, 2006, for requesting the reclassification of the area originally classified as wetlands in the permit to "other surface waters". Based on the provided topographic survey data and historical Soil and Water Conservation Service aerial photography, the area in question consists of a former borrow area. It is clear that the area in question was excavated as a source for borrow fill prior to permitting requirements. The area is under a conservation easement in accordance with the original permit and required monitoring of the area is complete. The former borrow area is dominated with exotic and nuisance vegetation, and due to the existing topography is nearly impossible to access for maintenance. The District concurs with the information presented by the permittee, and hereby re-classifies the conservation area as other surface waters in accordance with Chapter 40E-4.021, F.A.C. Any future activities that impact the "other surface waters" will require a permit modification, as well as release of the conservation easement.

Based on that information, District staff has determined that the proposed activities are in compliance with the original environmental resource permit and appropriate provisions of FAC Rule 40E-4.331(2)(b). Therefore, these changes have been recorded in our files.

Please understand that your permit remains subject to the General Conditions and all other Special Conditions not modified and as originally issued.

Should you have any questions concerning this matter, please contact this office.

Sincerely,

John A. Meyer  
Sr Supv Environmental Analyst  
Palm Beach Service Center

JM/mg

c: C. Calvert Montgomery & Associates, Inc.

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Martin County Engineer

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Carol Ann Wehle, Executive Director

DISTRICT HEADQUARTERS: 3301 Gun Club Road, P.O. Box 24680, West Palm Beach, FL 33416-4680 • (561) 686-8800 • FL WATS 1-800-432-2045

### NOTICE OF RIGHTS

As required by Sections 120.569(1), and 120.60(3), Fla. Stat., following is notice of the opportunities which may be available for administrative hearing and/or judicial review 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. Not all the legal proceedings detailed below may be an applicable or appropriate remedy. 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 (SFWMD or District) action has the right to request an administrative hearing on that action pursuant to Sections 120.569, 120.57, and 120.60(3), Fla. Stat. Persons seeking a hearing on a District decision which does or may determine their substantial interests shall file a petition for hearing with the District Clerk within 21 days of receipt of written notice of the decision in accordance with Rule 28-106.111, Fla. Admin. Code. Any person who receives written notice of a District decision and fails to file a written request for hearing within 21 days waives the right to request a hearing on that decision as provided by Subsection 28-106.111(4), Fla. Admin. Code.

The Petition must be filed at the Office of the District Clerk of the SFWMD, 3301 Gun Club Road, P.O. Box 24680, West Palm Beach, Florida, 33416, and must comply with the requirements of Rule 28-106.104, Fla. Admin. Code. Filings with the District Clerk may be made by mail, hand-delivery or facsimile. **Filings by e-mail will not be accepted.** A petition for administrative hearing is deemed filed upon receipt during normal business hours by the District Clerk at SFWMD headquarters in West Palm Beach, Florida. Pursuant to Rule 28-106.104, Fla. Admin. Code, any document received by the office of the District Clerk after 5:00 p.m. shall be filed as of 8:00 a.m. on the next regular business day.

- Filings made by mail must include the original and one copy and must be addressed to the Office of the District Clerk, P.O. Box 24680, West Palm Beach, Florida 33416.
- Filings by hand-delivery must also include the original and one copy of the petition. **Delivery of a petition to the District's security desk does not constitute filing. To ensure proper filing, it will be necessary to request the District's security officer to contact the Clerk's office.** An employee of the District's Clerk's office will file the petition and return the extra copy reflecting the date and time of filing.
- Filings by facsimile must be transmitted to the District Clerk's Office at (31) 682-6010. Pursuant to Subsections 28-106.104(7), (8) and (9), Fla. Admin. Code, a party who files a document by facsimile represents that the original physically signed document will be retained by that party for the duration of that proceeding and of any subsequent appeal or subsequent proceeding in that cause. Any party who elects to file any document by facsimile shall be responsible for any delay, disruption, or interruption of the electronic signals and accepts the full risk that the document may not be properly filed with the clerk as a result. The filing date for a document filed by facsimile shall be the date the District Clerk receives the complete document.



The following provisions may be applicable to SFWMD actions in combination with the applicable Uniform Rules of Procedure (Subsections 40E-0.109(1)(a) and 40E-1.511(1)(a), Fla. Admin. Code):

- (1)(a) "Receipt of written notice of agency decision" as set forth in Rule 28-106.111, Fla. Admin. Code, means receipt of either written notice through mail or posting that the District has or intends to take final agency action, or publication of notice that the District has or intends to take final agency action.
- (b) If notice is published pursuant to Chapter 40E-1, F.A.C., publication shall constitute constructive notice to all persons. Until notice is published, the point of entry to request a formal or informal administrative proceeding shall remain open unless actual notice is received.
- (2) If the District's Governing Board takes action which substantially differs from the notice of intended agency decision, the persons who may be substantially affected shall have an additional point of entry pursuant to Rule 28-106.111, Fla. Admin. Code, unless otherwise provided by law. The District Governing Board's action is considered to substantially differ from the notice of intended agency decision when the potential impact on water resources has changed.
- (3) Notwithstanding the timeline in Rule 28-106.111, Fla. Admin. Code, intended agency decisions or agency decisions regarding consolidated applications for Environmental Resource Permits and Use of Sovereign Submerged Lands pursuant to Section 273.427, Fla. Stat., shall provide a 14 day point of entry to file petitions for administrative hearing.

#### **Hearings Involving Disputed Issues of Material Fact**

The procedure for hearings involving disputed issues of material fact is set forth in Subsection 120.57(1), Fla. Stat., and Rules 28-106.201-217, Fla. Admin. Code. Petitions involving disputed issues of material fact shall be filed in accordance with Rule 28-106.104, Fla. Admin. Code, and must comply with the requirements set forth in Rule 28-106.201, Fla. Admin. Code.

#### **Hearings Not Involving Disputed Issues of Material Fact**

The procedure for hearings not involving disputed issues of material fact is set forth in Subsection 120.57(2), Fla. Stat., and Rules 28-106.301-307, Fla. Admin. Code. Petitions not involving disputed issues of material fact shall be filed in accordance with Rule 28-106.104, Fla. Admin. Code, and must comply with the requirements set forth in Rule 28-106.301, Fla. Admin. Code.

#### **Mediation**

As an alternative remedy under Sections 120.569 and 120.57, Fla. Stat., any person whose substantial interests are or may be affected by the SFWMD's action may choose to pursue mediation. The procedures for pursuing mediation are set forth in Section 120.573, Fla. Stat., and Rules 28-106.111 and 28-106.401-405, Fla. Admin. Code. Choosing mediation will not adversely affect the rights to a hearing if mediation does not result in a settlement.

#### **DISTRICT COURT OF APPEAL**

Pursuant to Sections 120.60(3) and 120.68, Fla. Stat., a party who is adversely affected by final SFWMD action may seek judicial review of the SFWMD's final decision by filing a notice of appeal pursuant to Florida Rule of Appellate Procedure 9.110 in the Fourth District Court of Appeal or in the appellate district where a party resides and filing a second copy of the notice with the SFWMD Clerk within 30 days of rendering of the final SFWMD action.

Application No.: 061106-28  
November 30, 2006  
Page : 2

bc: Hugo A. Carter, P.E.  
Michael Goralski  
Environmental Resource Compliance - 2270  
Environmental Resource Compliance - 2280  
Permit File - 4240