



FLORIDA DEPARTMENT OF Environmental Protection

Southwest District Office
13051 North Telecom Parkway #101
Temple Terrace, Florida 33637-0926

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

December 14, 2022

Margo Holeman as Trustee of the River Property Land Trust,
u/a/d April, 19, 2019, as Amended
c/o Carlos Beruff
1651 Whitfield Ave.
Sarasota, FL 34243
carlosb@medallionhome.com

Re: Executed Consent Order OGC File No. 22-2852
ERP Site No. 390190
Manatee County

Dear Mr. Beruff:

Enclosed please find the Consent Order OGC No. 22-2852, regarding the above-referenced facility, which has been countersigned and executed by The Florida Department of Environmental Protection (Department). The effective date of the Consent Order is the filing date entered by the designated Department Clerk on the signature page. Please be aware of all conditions of this Order, including the payment of \$6,500.00 in costs and penalties due within 60 days of the effective date.

Should you have questions, please contact Hannah Westervelt at 813-470-5752 or by email at Hannah.Westervelt@FloridaDEP.gov.

Sincerely,

A handwritten signature in blue ink that reads "Kelley M. Boatwright".

Kelley M. Boatwright
Southwest District Director
Florida Department of Environmental Protection

Enclosure: Executed Consent Order with Exhibits

Executed Consent Order OGC File No. 22-2852

ERP Site No. 390190

ec: Pamala Vazquez, DEP – Pamala.Vazquez@FloridaDEP.gov
Hannah Westervelt, DEP- Hannah.Westervelt@FloridaDEP.gov
Kelley M. Boatwright, DEP – Kelley.M.Boatwright@FloridaDEP.gov
Kerri MacNutt, Monarch Ecology Group, LLC - KMacNutt@MonarchEcology.com



FLORIDA DEPARTMENT OF Environmental Protection

Southwest District Office
13051 North Telecom Parkway #101
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Ron DeSantis
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December 12, 2022

Margo Holeman as Trustee of the River Property Land Trust,
u/a/d April, 19, 2019, as Amended
c/o Carlos Beruff
1651 Whitfield Ave.
Sarasota, FL 34243
carlosb@medallionhome.com

Re: Proposed Consent Order OGC File No. 22-2852
ERP Site No. 390190
Manatee County

Dear Mr. Beruff:

Please find enclosed the proposed Consent Order, OGC File No 22-2852. Please review, sign, and return the Consent Order by **December 30, 2022**, if in agreement. If not in agreement, please contact the Florida Department of Environmental Protection (Department) immediately. Upon return of the signed Consent Order, I shall execute it and send a copy to you.

The executed Consent Order constitutes final agency action of the Department, which shall be enforceable pursuant to Sections 120.69 and 403.121, Florida Statutes. By countersigning the Consent Order, the Department waives its right to seek judicial imposition of damages, costs and expenses, or civil penalties for the alleged violations. By signing the Consent Order, you, as the Respondent, acknowledges and waives its right to a hearing and appeal of the terms of the Consent Order.

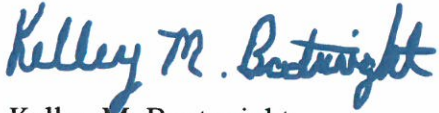
If the signed original Consent Order is not received by the Department by **December 30, 2022**, the Department will assume that you are not interested in the settlement on the above terms, and the matter may be referred to the Office of General Counsel for formal enforcement action. None of your rights or substantial interests are determined by the Consent Order until it is signed and filed with the Department.

Should you have any questions, please contact Hannah Westervelt at (813) 470-5752 or via e-mail at Hannah.Westervelt@FloridaDEP.gov. Thank you for your cooperation.

A handwritten signature in blue ink, appearing to be "Hannah Westervelt".

Proposed Consent Order
ERP Site No. 390190
OGC File No.: 22-2852
Page 2

Sincerely,



Kelley M. Boatwright
Southwest District Director
Florida Department of Environmental Protection

Enclosure: Proposed Consent Order with Exhibit

ec: Pamala Vazquez, DEP – Pamala.Vazquez@FloridaDEP.gov
Hannah Westervelt, DEP- Hannah.Westervelt@FloridaDEP.gov
Kelley M. Boatwright, DEP – Kelley.M.Boatwright@FloridaDEP.gov
Kerri MacNutt, Monarch Ecology Group, LLC - KMacNutt@MonarchEcology.com



BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT)	IN THE OFFICE OF THE
OF ENVIRONMENTAL PROTECTION)	SOUTHWEST DISTRICT
)	
Complainant,)	
)	OGC FILE NO. 22-2852
vs.)	
)	
Margo Holeman as Trustee of)	
The River Property Land Trust u/a/d April)	
19, 2011, as amended)	
Respondent.)	
_____)	

CONSENT ORDER

This Consent Order ("Order") is entered into between the State of Florida Department of Environmental Protection ("Department"), and Margo Holeman as Trustee of the River Property Land Trust, u/a/d April 19, 2011, as amended, whose post office address is 1651 Whitfield Avenue, Suite 200, Sarasota, Florida 34243 ("Respondent"), pursuant to Section 120.57(4), Florida Statutes ("Fla. Stat."), to settle certain matters at issue between the Department and Respondent.

The Department finds and the Respondent admits the following:

1. The Department is the administrative agency of the State of Florida having the power and duty to protect Florida's air and water resources and to administer and

ob

enforce Chapter 373, Part IV, and Chapter 403, Florida Statutes, and the rules promulgated and authorized thereunder in Title 62, Florida Administrative Code (“Fla. Admin. Code”). The Department has jurisdiction over the matters addressed in this Consent Order.

2. Respondent is a “person” within the meaning of Section 373.019(15), Fla. Stat.

3. Respondent is the owner of real property located at 8955 25th St. E., Parrish, Florida 34219-8486, further identified by Manatee County Property Appraiser Parcel ID No. 848800059 (“Property”). the Property has been assigned Environmental Resource Permit Site No. 390190.

4. On December 1, 2021, Department personnel conducted a site inspection which revealed that a shoreline stabilization structure (“Structure”) was constructed on the Property, impacting a total of approximately 0.32 acres of jurisdictional wetlands without valid authorization from the Department, in violation of 62-330.020, Fla. Admin. Code., and Sections 373.430 and 403.161, Fla. Stat. The Structure is within the landward extent of Manatee River, waters of the State, as defined by Florida Law.

Having reached a resolution of the matter Respondent and the Department mutually agree and it is,



ORDERED:

5. Respondent shall redress all outstanding violations and complete all the corrective actions outlined below, within the timeframes established therein:

(a) Commencing immediately and henceforth, Respondent shall forthwith comply with all applicable Department statutes and rules applicable to wetland protection and environmental resource permitting, including Chapters 403 and 373, Part IV, Fla. Stat., and the rules promulgated thereunder in Title 62, Fla. Admin. Code.

(b) Within 60 days of the effective date of this Order, the Respondent shall obtain **0.17 herbaceous** Mitigation Bank Credits to mitigate for the wetland impacts allowed to remain and which are necessary for the shoreline stabilization structure. The Mitigation Bank Credits shall be obtained from the Manatee Mitigation Bank (Permit No. 403035355.005). Upon obtaining the Mitigation Bank Credits, Respondent shall submit a copy of the credit allocation letters to the Department, confirming receipt of the required credits.

(c) Within 60 days of the effective date of this Consent Order, Respondent shall pay the Department \$6,500.00 in settlement of the matters addressed in this Consent Order. This amount includes \$500.00 for costs and expenses incurred by the Department during the investigation of this matter and the preparation and tracking of this Consent Order. The civil penalties are apportioned as



follows: \$4,500.00 for violation of Rule 403.121(4)(c), Fla. Stat., and \$1,500.00 for violation of Rule 403.121(3)(c), Fla. Stat.

(d) Respondent shall not conduct any dredging, filling, or construction activities on or within wetlands or the landward extent of waters of the state without first obtaining a valid Department permit or written notification from the Department that the activities appear to be exempt as proposed from Department permitting requirements; nor shall Respondent conduct any activities on state owned lands below the ordinary or mean high water lines without first obtaining a lease, easement, or other consent of use from the Department.

6. This Consent Order authorizes the Structure as depicted and highlighted in the survey attached hereto as Exhibit "A." This Order does not authorize any future expansion, repair or reconstruction activities to the Structure other than the activities explicitly authorized in this Order. Respondent shall comply with all the Individual Authorization Conditions, incorporated and attached hereto as Exhibit "B", and Conditions for all Authorized Activities, incorporated and attached hereto as Exhibit "C". Failure at any time to comply with the conditions required by this paragraph will constitute revocation of this authorization.

7. All payments required under this Order shall be made by cashier's check or money order, or online electronic payment. Cashier's check or money order payment



shall be made payable to the "State of Florida Department of Environmental Protection," and shall include the notations: "OGC No. 22-2852" and "Water Quality Assurance Trust Fund." Cashier's check or money order payment shall be sent to the Florida Department of Environmental Protection, Southwest District Office, 13051 N. Telecom Parkway, Suite 101, Temple Terrace, Florida, 33637. Online payments may be made by e-check at the DEP Business Portal: <http://www.fldepportal.com/go/pay/>. Please note it will take a number of days after this Order becomes final and effective filed with the Clerk of the Department before the ability to make online payment is available.

8. All submittals required under this Order shall be sent to: Florida Department of Environmental Protection, Southwest District Office, 13051 N. Telecom Parkway, Suite 101, Temple Terrace, Florida, 33637, and shall include the notations: "OGC No. 22-2852" and "ERP Site No. 390190."

9. Respondent agrees to pay the Department stipulated penalties in the amount of \$500.00 per day, per violation, for each and every day the Respondent fails to timely comply with any of the requirements set out in Paragraph 5 and 6 of this Order. A separate stipulated penalty shall be assessed for each violation of this Order. Any stipulated penalties assessed under this Paragraph shall be in addition to the penalties, fees and/or costs agreed to in Paragraph 5(c) of this Order. Within 30 days of a written demand from the Department, Respondent shall submit payment of the appropriate stipulated penalties in accordance with Paragraph 7 herein. The Department may demand stipulated penalties at any time after violations occur. Nothing in this Paragraph



shall prevent the Department from filing suit to specifically enforce any terms of this Order. Should the Department be required to initiate a lawsuit to recover stipulated penalties under this Paragraph, the Department shall not be foreclosed from seeking civil penalties for violations of this Order in an amount greater than the stipulated penalties set out in this Paragraph.

10. Respondent shall allow all authorized representatives of the Department access to the Property at reasonable times for the purpose of determining compliance with the terms of this Order and the rules and statutes administered by the Department.

11. Respondent shall use all reasonable efforts to obtain any necessary access to implement the terms of this Order. If necessary, access cannot be obtained, or if obtained, is revoked by owners or entities controlling access to the properties to which access is necessary, the Respondent shall notify the Department within five (5) business days of such refusal or revocation. The Department may, at any time, seek to obtain access as is necessary to implement the terms of this Order. The Respondent shall reimburse the Department for any damages, costs, or expenses, including expert and attorney fees, that the Department is ordered to pay, or that the Department incurs in connection with its efforts to obtain access that is necessary to implement the terms of this Order. The Respondent shall pay these sums to the Department or arrange a payment schedule with the Department within 30 days of written demand by the Department.

12. The sale or conveyance of the Property does not relieve the Respondent of



the obligations imposed by this Order. In the event of a sale or conveyance of the Property, if all of the requirements of this Order have not been fully satisfied, the Respondent shall: (i) notify the Department of such sale or conveyance of the Property, at least 30 days prior to the sale or conveyance; (ii) provide the name and address of the purchaser/grantee, operator, or person(s) in control of the Property; and (iii) provide a copy of this Order with all attachments to the purchaser/grantee, operator, or person(s) in control of the Property.

13. If any event, including administrative or judicial challenges by third parties unrelated to the Respondent, occurs which causes a delay or the reasonable likelihood of delay, in complying with the requirements of this Order, the Respondent shall have the burden of proving the delay was or will be caused by circumstances beyond the reasonable control of the Respondent and could not have been or cannot be overcome by Respondent's due diligence. Economic circumstances shall not be considered circumstances beyond the control of the Respondent, nor shall the failure of a contractor, subcontractor, materialman, or other agents (collectively referred to as "contractor") to whom responsibility for performance is delegated to meet contractually imposed deadlines be a cause beyond the control of the Respondent unless the cause of the contractor's late performance was also beyond the contractor's control. Upon the occurrence of an event causing the delay, or upon becoming aware of a potential for delay, the Respondent shall notify the Department orally within 24 hours or by the next working day and shall, within seven (7) days of oral notification to the Department, notify



the Department in writing of the anticipated length and cause of the delay, the measures are taken or to be taken to prevent or minimize the delay and the timetable by which the Respondent intends to implement these measures. If the parties can agree that the delay or anticipated delay has been or will be caused by circumstances beyond the reasonable control of the Respondent, the time for performance hereunder shall be extended for a period equal to the agreed delay resulting from such circumstances. Such an agreement shall adopt all reasonable measures necessary to avoid or minimize the delay. Failure of the Respondent to comply with the notice requirements of this Paragraph in a timely manner shall constitute a waiver of the Respondent's right to request an extension of time for compliance with the requirements of this Order.

14. The entry of this Order does not relieve the Respondent of the need to comply with applicable federal, state, or local laws, regulations, or ordinances.

15. The terms and conditions set forth in this Order may be enforced in a court of competent jurisdiction pursuant to Sections 120.69, and 373.129, Fla. Stat. Failure to comply with the terms of this Order shall constitute a violation of Sections 373.430, Fla. Stat.

16. Respondent is fully aware that a violation of the terms of this Order may subject the Respondent to judicial imposition of damages, civil penalties of up to \$15,000.00 per day, per violation, and criminal penalties.

17. The Department hereby expressly reserves the right to initiate appropriate



legal action to prevent or prohibit any violations of applicable statutes, or the rules promulgated thereunder that are not specifically addressed by the terms of this Order.

18. The Department, for and in consideration of the complete and timely performance by the Respondent of the obligations agreed to in this Order, hereby waives the right to seek the judicial imposition of damages or civil penalties for alleged violations addressed in this Order. This waiver does not affect any claim the Department may have for violations not addressed herein, notwithstanding that the other claims may involve the same activities addressed herein. The Respondent acknowledges and waives their right to an administrative hearing pursuant to Sections 120.569 and 120.57, Fla. Stat., on the terms of this Order. The Respondent acknowledges the right to appeal the terms of this Order pursuant to Section 120.68, Fla. Stat., and waive that right upon signing this Order.

19. This Order is a settlement of the Department's civil and administrative authority arising under Florida law to resolve the matters addressed herein. This Order is not a settlement of any criminal liabilities which may arise under Florida law, nor is it a settlement of any violation which may be prosecuted criminally or civilly under federal law.

20. This Order is a final order of the Department pursuant to Section 120.52(7), Fla. Stat., and it is final and effective on the date filed with the Clerk of the Department unless a Petition for Administrative Hearing is filed in accordance with Chapter 120, Florida Statutes. Upon the timely filing of a petition, this Order will not be effective until



further Order of the Department.

21. Persons who are not parties to this Order but whose substantial interests are affected by this Order have a right, pursuant to Sections 120.569 and 120.57, Fla. Stat., to petition for an administrative hearing on it. The Petition must contain the information set forth below and must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS-35, Tallahassee, Florida 32399-3000, or received via electronic correspondence at Agency_Clerk@floridadep.gov, within 21 days of receipt of this notice. A copy of the Petition must also be mailed at the time of filing to the District Office named above at the address indicated. **Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes.** The petition shall contain the following information:

- (a) The Consent Order identification number (22-2852) and the county in which the subject matter or activity is located;
- (b) The name, address, and telephone number of each petitioner;
- (c) The name, address, and telephone number of the petitioner's representative (if any), which shall be the address for service purposes during the course of the proceeding;
- (d) An explanation of how the petitioner's substantial interests will be affected by the Consent Order;



- (e) A statement of when and how the petitioner received notice of the Consent Order;
- (f) A statement of all material facts disputed by petitioner, if any;
- (g) A statement of the specific facts the petitioner contends warrant reversal or modification of the Consent Order;
- (h) A statement of which rules or statutes the petitioner contends require reversal or modification of the Consent Order; and
- (i) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Consent Order.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this Notice. Persons whose substantial interests will be affected by any decision of the Department with regard to the subject Order have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Sections 120.569 and 120.57, Fla. Stat., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-106.205, Fla. Admin. Code.



A person whose substantial interests are affected by the Consent Order may file a timely petition for an administrative hearing under Sections 120.569 and 120.57, Florida Statutes, or may choose to pursue mediation as an alternative remedy under Section 120.573, Florida Statutes, before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement. The procedures for pursuing mediation are set forth below.

Mediation may only take place if the Department and all the parties to the proceeding agree that mediation is appropriate. A person may pursue mediation by reaching a mediation agreement with all parties to the proceeding (which include the Respondent, the Department, and any person who has filed a timely and sufficient petition for a hearing) and by showing how the substantial interests of each mediating party are affected by the Consent Order. The agreement must be filed in (received by) the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or received via electronic correspondence at Agency_Clerk@floridadep.gov, within 10 days after the deadline as set forth above for the filing of a petition.

The agreement to mediate must include the following:

- (a) The names, addresses, and telephone numbers of any persons who may attend the mediation;



- (b) The name, address, and telephone number of the mediator selected by the parties, or a provision for selecting a mediator within a specified time;
- (c) The agreed allocation of the costs and fees associated with the mediation;
- (d) The agreement of the parties on the confidentiality of discussions and documents introduced during mediation;
- (e) The date, time, and place of the first mediation session, or a deadline for holding the first session, if no mediator has yet been chosen;
- (f) The name of each party's representative who shall have authority to settle or recommend settlement;
- (g) Either an explanation of how the substantial interests of each mediating party will be affected by the action or proposed action addressed in this notice of intent or a statement clearly identifying the petition for hearing that each party has already filed and incorporating it by reference; and
- (h) The signatures of all parties or their authorized representatives.

As provided in Section 120.573, Florida Statutes, the timely agreement of all parties to mediate will toll the time limitations imposed by Sections 120.569 and 120.57, Florida Statutes, for requesting and holding an administrative hearing. Unless otherwise agreed by the parties, the mediation must be concluded within sixty days of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department must enter a final order incorporating the agreement of the parties. Persons



whose substantial interests will be affected by such a modified final decision of the Department have a right to petition for a hearing only in accordance with the requirements for such petitions set forth above and must therefore file their petitions within 21 days of receipt of this notice. If mediation terminates without settlement of the dispute, the Department shall notify all parties in writing that the administrative hearing processes under Sections 120.569 and 120.57, Fla. Stat., remain available for disposition of the dispute, and the notice will specify the deadlines that then will apply for challenging the agency action and electing remedies under those two statutes.

22. Electronic signatures or other versions of the parties' signatures, such as .pdf or facsimile, shall be valid and have the same force and effect as originals.

23. No modifications of the terms of this Order shall be effective until reduced to writing and executed by the Respondent and the Department.

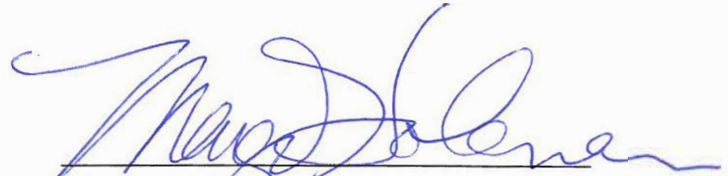
24. Copies of Department rules referenced in this Order may be examined at any Department Office or may be obtained by written request to the District Office referenced in Paragraph 7 above. The rules referenced in this Order are also available at:

<https://floridadep.gov/ogc/ogc/content/rules>.



FOR THE RESPONDENT:

12/14/22
DATE


Margo Holeman as Trustee of the River
Property Land Trust, u/a/d April 19,
2011, as amended, Owner

FOR DEPARTMENT USE ONLY

DONE AND ORDERED this 14 day of December 2022

in Hillsborough County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Kelley M. Boatwright
Southwest District Director

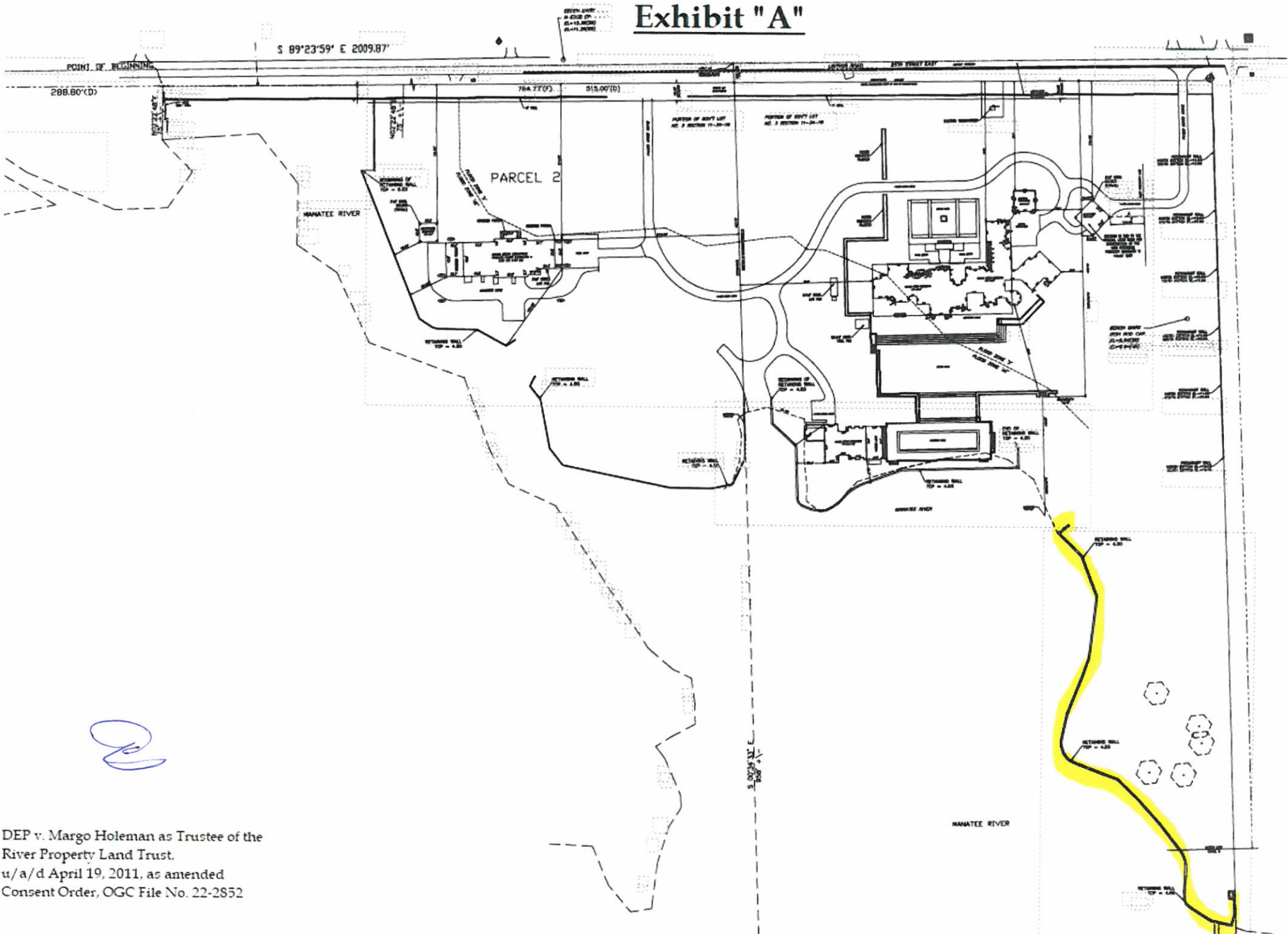
Filed, on this date, pursuant to Section 120.52, Fla. Stat., with the designated
Department Clerk, receipt of which is hereby acknowledged.


Clerk

December 14, 2022
Date

ec: FDEP-OGC: Lea Crandall, Agency Clerk

Exhibit "A"



DEP v. Margo Holeman as Trustee of the River Property Land Trust.
u/a/d April 19, 2011, as amended
Consent Order, OGC File No. 22-2852

EXHIBIT "B"

Individual Authorization Conditions

1. Respondent must maintain the activity authorized by this Consent Order in good condition and in conformance with the terms and conditions of this Consent Order. Respondent is not relieved of this requirement if they abandon the authorized activity, although Respondent may make a good faith transfer to a third party in compliance with conditions below. Should Respondent wish to cease to maintain the authorized activity or desire to abandon it without a good faith transfer, Respondent must obtain a permit from this office, which may require restoration of the area.
2. If Respondent discovers any previously unknown historic or archeological remains while accomplishing the activity authorized by this Consent Order, they must immediately notify this office of what they have found. The Department will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
3. If a conditioned water quality certification has been issued for the project, Respondent must comply with the conditions specified in the certification as special conditions to this Consent Order.
4. Reliance on Respondent's Data: The determination of this office that issuance of this Consent Order is not contrary to the public interest was made in reliance on the information provided by the Respondent.
5. Reevaluation of Consent Order Decision: This office may reevaluate its decision on this Consent Order at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
 - a. Respondent's failure to comply with the terms and conditions of this Consent Order.
 - b. The information provided by the Respondent in support of your Consent Order settlement proves to have been false, incomplete, or inaccurate.



EXHIBIT "C"

Conditions for all Authorized Activities

The following general conditions are binding on all Consent Orders authorizing activities that would have required an individual permit issued under this chapter, except where the conditions are not applicable to the authorized activity, or where the conditions must be modified to accommodate project-specific conditions.

1. All activities shall be implemented following the plans, specifications and performance criteria approved by this Consent Order.
2. Unless the Consent Order is transferred under rule 62-330.340, Florida Administrative Code, or transferred to an operating entity under rule 62-330.310, Florida Administrative Code, the Respondent is liable to comply with the plans, terms, and conditions of the Consent Order for the life of the project or activity.
3. The Respondent shall notify the Agency in writing of changes required by any other regulatory agency that require changes to the authorized activity, and any required permit to conduct new work outside of the work authorized in this Consent Order must be obtained prior to implementing the changes.
4. This Consent Order does not:
 - a. Convey to the Respondent any property rights or privileges, or any other rights or privileges other than those specified herein or in chapter 62-330, Florida Administrative Code.;
 - b. Convey to the Respondent or create in the Respondent any interest in real property;
 - c. Relieve the Respondent from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
 - d. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the Respondent.



5. The Respondent shall hold and save the Agency harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the Consent Order.
6. The Respondent shall notify the Agency in writing:
 - a. Immediately if any previously submitted information is discovered to be inaccurate; and
 - b. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer of the Consent Order in accordance with rule 62-330.340, Florida Administrative Code. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.
7. Upon reasonable notice to the Respondent. Agency staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the Consent Order.
8. If prehistoric or historic artifacts, such as pottery or ceramics, projectile points, stone tools, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within the project site area, the authorized project shall cease all activities involving subsurface disturbance in the vicinity of the discovery. The Respondent or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance Review Section (DHR), at (850)245-6333, as well as the appropriate permitting agency office. Project activities shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and



the proper authorities notified in accordance with section 872.05, Fla. Stat. For project activities subject to prior consultation with the DHR and as an alternative to the above requirements, the Respondent may follow procedures for unanticipated discoveries as set forth within a cultural resources assessment survey determined complete and sufficient by DHR and included as a specific Consent Order condition herein.

9. Any delineation of the extent of a wetland or other surface water submitted as part of the Consent Order authorization, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this Consent Order or a formal determination under rule 62-330.201, Florida Administrative Code, provides otherwise.

10. This Consent Order is issued based on the Respondent's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed authorized activity. If any adverse impacts result, the Agency will require the Respondent to eliminate the cause, obtain any necessary permits or permit modifications, and take any necessary corrective actions to resolve the adverse impacts.

11. A Recorded Notice of Environmental Resource Consent Order may be recorded in the county public records in accordance with subsection 62-330.090(7), Florida Administrative Code. Such notice is not an encumbrance upon the property.

12. In addition to those general conditions in subsection (1) of this attachment, above, the Agency shall impose any additional project-specific special conditions necessary to assure the authorized activities will not be harmful to the water resources, as set forth in rules 62-330.301 and 62-330.302, Florida Administrative Code, Volumes I and II, as applicable, and the rules incorporated by reference in this chapter.

