Hypothetical Project

“Plan for the worst and hope for the best.”

John Lesman, Bio-Tech Consulting, Inc.
PROJECT SITUATION

- 15,000-ac Pine Plantation
- Wildfires in 1998 & 2004
- Significant Damage & Site Alterations
Hypothetical Project
Business Decisions

- Business Recognition of Risk (Wildfire)
- Business Decision to Diversify
  - Some Areas to be Converted to Hay Production
  - Conversion Included Grading (LiDAR)

Failed to consider transitional areas (wetlands?)

John Lesman, Bio-Tech Consulting, Inc.
Hypothetical Project

2004 Aerial
Source: Google Earth

John Lesman, Bio-Tech Consulting, Inc.
Conversion (Pine to Hay)

2007 Aerial
Source: Google Earth

Hypothetical Project
Hypothetical Project

2014 Aerial
Source: Google Earth
Hypothetical Project
RESULTS

- FDACS Involved (Agricultural Exemptions)
  - Estimates
    - ~70 acres of wetlands filled
    - ±80 acres questionable (wetlands?)
    - ±160 acres determined to be uplands

- 2013 – WMD issues ERP
  - 75 acres of wetland impacts
  - 500 acres of mitigation (FG = 40 Credits)
Hypothetical Project: State Resolution
REVIEW

- State Permit (ERP) Acquired

Are we done?
REMAINING ISSUES

- Federal Permitting Considerations (404)
- Corps Notified of ERP in 2012
- No other coordination
FEDERAL PERMITTING

- Corps contacted permittee in 2014
  - 404 Impacts?
  - Were wetlands within Corps’ jurisdiction?
  - T&E species issues?
  - How to address and resolve?
APPROXIMATE COSTS

- Environmental $70,000
- Legal $1,000,000
- Mitigation $4,000,000
- Corporate Time ?
- Misc ?

Total >$6,000,000

John Lesman, Bio-Tech Consulting, Inc.
ADDITIONAL COSTS, ETC.

- Player Turnover
  - Agencies, Corporation, Legal, etc.
- Recreation of Project History
- Forensic Delineations (burden of proof)
- Duplicity of Mitigation Requirement
- Delays: Current Parcel Sales
- Other costs
AVOIDANCE

If we could do it all over again....

Prior to any Works:

- Environmental Assessment
- T & E Surveys
- Estimate of Wetland Boundaries & Jurisdiction
- FLUCFCS Map
- Photo-documentation

Estimated Cost: ~$30K

John Lesman, Bio-Tech Consulting, Inc.
ADVANTAGES

Preventative Investment
- Establishes a Record of Site Conditions
- Easier “Burden of Proof” if a Situation Arises

A Planning Resource
- Opportunity to maximize profitability
- Identification of Requisite Permitting
- Reduced or Avoided Mitigation Costs
- Avoidance of Fines, Delays, Legal Fees, etc.
John Lesman, Bio-Tech Consulting, Inc.