# REPLY TO ATTENTION OF

# **DEPARTMENT OF THE ARMY**

JACKSONVILLE DISTRICT CORPS OF ENGINEERS PANAMA CITY REGULATORY OFFICE 1002 WEST 23RD STREET, SUITE 350 PANAMA CITY, FLORIDA 32405-3648

**September 11, 2012** 

Regulatory Division North Permits Branch SAJ-2012-00133 (SP-AAK)

Florida Department of Transportation Attn: Joy Giddens, District 3 Permits Coordinator 1074 Highway 90 Chipley, FL 32428

Dear Ms. Giddens:

The U.S. Army Corps of Engineers (Corps) is pleased to enclose the Department of the Army permit, which should be available at the construction site. Work may begin immediately but the Corps must be notified of:

- a. The date of commencement of the work,
- b. The dates of work suspensions and resumptions of work, if suspended over a week, and
- c. The date of final completion.

This information should be mailed to the U.S. Army Corps of Engineers, Special Projects and Enforcement Section, Mr. Terry Wells, 41 North Jefferson St., Suite 111, Pensacola, FL 32502. The Special Projects and Enforcement Branch is also responsible for inspections to determine whether Permittees have strictly adhered to permit conditions.

> IT IS NOT LAWFUL TO DEVIATE FROM THE APPROVED PLANS ENCLOSED.

> > Sincerely,

and a Thyland for Donald W. Kinard

Chief, Regulatory Division

**Enclosures** 

Copies Furnished to:

Paul Looney, Volkert, Inc.

Northwest Florida Water Management District, ERP Crestview Office

# DEPARTMENT OF THE ARMY PERMIT

**Permittee:** Florida Department of Transportation

Attn: Joy Giddens, District 3 Permits Coordinator

1074 Highway 90 Chipley, FL 32428

**Permit No:** SAJ-2012-00133 (SP-AAK)

# Issuing Office: U.S. Army Engineer District, Jacksonville

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below

**Project Description:** The authorized work is to permanently impact 0.80 acre and to temporarily impact 0.40 acre of wetlands and waters of the United States associated with the replacement of a structurally deficient bridge and addition of safety improvements to the bridge approaches. The work described above is to be completed in accordance with the attachments and 24 pages of project drawings affixed at the end of this permit instrument.

**Project Location:** The project is located in the Perdido River and Bay watershed within wetlands and waters of the United states associated with an unnamed branch of the Garcon Swamp located along County Road 293 (Bauer Road) south of Sorrento Road from a power line easement located at the northern project boundary to the Treasure Hill Park subdivision located at the southern project boundary (approximately 2,300 feet), in Section 21, Township 3 south, Range 31 west, Pensacola, Escambia County, Florida.

**Directions to site:** From Interstate 10, exit South at Pine Forest Road (SR 297). Travel South to Long Leaf Dr./Blue Angel Parkway (approx. 2.6 miles). Turn right onto Blue Angel Parkway. Travel approximately 7 miles and turn right on Highway 98 (Lillian Highway). Travel 3.5 miles and turn left on Bauer Road. Continue on Bauer Road for 4.7 miles through the Sorrento Road intersection to the bridge located approximately 0.6 miles south of the intersection.

**<u>Latitude & Longitude</u>**: Latitude: 30.33129° North

Longitude: 87.40336° West

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# **Permit Conditions**

# **General Conditions:**

- 1. The time limit for completing the work authorized ends on <u>September 10, 2017</u>. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
- 2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
- 3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We 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.
- 4. If you sell the property associated with this permit, you must obtain the signature and the mailing address of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
- 5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
- 6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

# **Special Conditions:**

1. **Reporting Address**: All reports, documentation and correspondence required by the conditions of this permit shall be submitted to the following address: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, Mr. Terry Wells, 41 North Jefferson St., Suite 111, Pensacola, FL 32502. The Permittee shall reference this permit number, SAJ-2012-00133 (SP-AAK), on all submittals.

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- 2. **Commencement Notification:** Within 10 days from the date of initiating the authorized work, the Permittee shall provide to the Corps a written notification of the date of commencement of work authorized by this permit.
- 3. **Fill Material**: The Permittee shall use only clean fill material for this project. The fill material shall be free from items such as trash, debris, automotive parts, asphalt, construction materials, concrete block with exposed reinforcement bars, and soils contaminated with any toxic substance, in toxic amounts in accordance with Section 307 of the Clean Water Act.
- 4. **Erosion Control:** Prior to the initiation of any work authorized by this permit, the Permittee shall install erosion and turbidity control measures along the perimeter of all work areas to prevent the displacement of fill material outside the work area. Immediately after completion of the final grading of the land surface, all slopes, land surfaces, and filled areas shall be stabilized using sod, degradable mats, barriers, or a combination of similar stabilizing materials to prevent erosion and turbidity. The erosion and turbidity control measures shall remain in place and be maintained until all authorized work has been completed and the site has been stabilized.
- 5. **Temporary Wetland Impacts:** Within 30 days from the date of completing the authorized work the Permittee shall restore the 0.40 acre of authorized temporary wetland impacts to pre-existing contours, elevations, vegetation, habitat type, and hydrologic condition.

# 6. Cultural Resources/Historic Properties:

- a. No structure or work shall adversely affect impact or disturb properties listed in the National Register of Historic Places (NRHP) or those eligible for inclusion in the NRHP.
- b. If during the ground disturbing activities and construction work within the permit area, there are archaeological/cultural materials encountered which were not the subject of a previous cultural resources assessment survey (and which shall include, but not be limited to: Pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes, evidence of structures or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the Permittee shall immediately stop all work in the vicinity and notify the Corps. The Corps shall then notify the Florida State Historic Preservation Officer (SHPO) and the appropriate Tribal Historic Preservation Officer(s) (THPO(s)) to assess the significance of the discovery and devise appropriate actions.
- c. A cultural resources assessment may be required of the permit area, if deemed necessary by the SHPO, THPO(s), or Corps, in accordance with 36 CFR 800 or 33 CFR 325, Appendix C (5). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR

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Part 325.7. Such activity shall not resume on non-federal lands without written authorization from the SHPO and the Corps.

- d. In the unlikely event that unmarked human remains are identified on non-federal lands, they will be treated in accordance with Section 872.05 Florida Statutes. All work in the vicinity shall immediately cease and the Permittee shall immediately notify the medical examiner, Corps, and State Archeologist. The Corps shall then notify the appropriate SHPO and THPO(s). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume without written authorization from the State Archeologist, SHPO and the Corps.
- e. In the unlikely event that human remains are encountered on federal or tribal lands, or in situations where Archaeological Resources Protection Act of 1979, or Native American Graves Protection Repatriation Act of 1990 applies, all work in the vicinity shall immediately cease and the Permittee immediately notify the Corps. The Corps shall then notify the appropriate THPO(s) and SHPO. Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. After such notification, project activities on federal lands shall not resume without written authorization from the Corps, and/or appropriate THPO(s), SHPO, and federal manager. After such notification, project activities on tribal lands shall not resume without written authorization from the appropriate THPO(s) and the Corps.
- 7. **Mitigation Credit Purchase:** Wetland impacts for this project will be mitigated through the Northwest Florida Umbrella, Watershed-Based, Regional Mitigation Plan (UWRMP), as defined in the agreement between the Northwest Florida Water Management District (NWFWMD) and the U.S. Army Corps of Engineers, Jacksonville District, July 31, 2006. Within 30 days from the date of initiating the authorized work the Permittee shall provide verification to the Corps that 0.34 federal mitigation credits have been debited from the federal mitigation credit ledger for the Dutex Mitigation Area (UWRMP 5.1.5). The required verifications shall reference this project's permit number (SAJ-2012-00133 (SP-AAK)).
- 8. **As-Builts:** Within 60 days of completion of the authorized work or at the expiration of the construction window of this permit, whichever occurs first, the Permittee shall submit as-built drawings of the authorized work and a completed As-Built Certification Form (Attachment 3) to the Corps. The drawings shall be signed and sealed by a registered professional engineer and include the following:
- a. A plan view drawing of the location of the authorized work footprint (as shown on the permit drawings) with an overlay of the work as constructed in the same scale as the attached permit drawings (8½-inch by 11-inch). The drawing should show all "earth disturbance," including wetland impacts, water management structures, and any on-site mitigation areas.

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- b. List any deviations between the work authorized by this permit and the work as constructed. In the event that the completed work deviates, in any manner, from the authorized work, describe on the As-Built Certification Form the deviations between the work authorized by this permit and the work as constructed. Clearly indicate on the as-built drawings any deviations that have been listed. Please note that the depiction and/or description of any deviations on the drawings and/or As-Built Certification Form does not constitute approval of any deviations by the U.S. Army Corps of Engineers.
  - c. The Department of the Army Permit number.
  - d. Include pre- and post-construction aerial photographs of the project site, if available.
- 9. **Regulatory Agency Changes**: Should any other regulatory agency require changes to the work authorized or obligated by this permit, the Permittee is advised that a modification to this permit instrument is required prior to initiation of those changes. It is the Permittee's responsibility to request a modification of this permit from Corps.

# **Further Information:**

- 1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:
- () Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
  - (X) Section 404 of the Clean Water Act (33 U.S.C. 1344).
- () Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
  - 2. Limits of this authorization.
- a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.
  - b. This permit does not grant any property rights or exclusive privileges.
  - c. This permit does not authorize any injury to the property or rights of others.
- d. This permit does not authorize interference with any existing or proposed Federal projects.

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- 3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
  - d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.
- 4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
- 5. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
  - a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

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6. Extensions: General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

(PERMITTEE)

(PERMITTEE NAME-PRINTED)

+ Coordinator

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

(DISTRICT ENGINEER)

ALAN M. DODD

for Colonel, Corps of Engineers

Commanding

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When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE-SIGNATURE)	(DATE)
	<u></u>
(NAME-PRINTED)	
(ADDRESS)	<del>_</del>
(ADDRESS)	
(CITY, STATE, AND ZIP CODE)	<del></del>

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# Attachments to Department of the Army Permit Number SAJ-2012-00133 (SP-AAK)

- 1. Water Quality Certification: 9 pages including Specific Conditions of the water quality permit/certification in accordance with General Condition number 5 on page 2 of this DA permit.
- 2. As-Built Certification by Professional Engineer Form.
- 3. Permit Drawings: 24 pages, dated August 30, 2012.

# NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT INDIVIDUAL ENVIRONMENTAL RESOURCE PERMIT

**PERMIT NUMBER:** 1262 **DATE ISSUED:** February 8, 2012 **PROJECT NAME:** Bridge Replacement on Bauer Rd, Sorrento Rd, & Gulf Bch Hwy

CONSTRUCTION PHASE EXPIRATION DATE: February 8, 2017

#### A PERMIT AUTHORIZING:

The replacement of a structurally deficient two-lane bridge over an unnamed creek on Bauer Road (Conty Road 293) in Escambia County. The bridge clearance will be raised approximately four-feet to reduce the potential for flooding. Wetland and other surface water impacts within the right-of-way including approximately 0.8 acres of permanent impacts and 0.4 acres of temporary impacts are authorized. To offset impacts to wetlands and other surface waters, the Florida Department of Transportation will provide mitigation at the Dutex Mitigation Area (UWRMP 5.1.5) pursuant to section 373.4137, Florida Statutes.

### **LOCATION:**

City:Pensacola County: Escambia

Address: Approximatley .8 miles south of the intersection Bauer Road and Sorrento Road.

Section(s): 21 Township(s): 3S Range(s): 31W

Latitude: 30° 20' 02" N Longitude: 87° 24' 12" W

#### **ISSUED TO:**

# **Applicant**

FDOT District 3 Post Office Box 607 Chipley, FL 32428

Permittee agrees to hold and save the Northwest Florida Water Management District and its successors harmless from any and all damages, claims, or liabilities which may arise from permit issuance. Said application, including all plans and specifications attached thereto, is by reference made a part hereof.

This permit does not convey to any permittee any property rights nor any rights or privileges other than those specified herein, nor relieve the permittee from complying with any law, regulation or requirement affecting the rights of other bodies or agencies. All structures and works installed by permittee hereunder shall remain the property of the permittee.

This permit is issued pursuant to Part IV of Chapter 373, Florida Statute (F.S.), and Chapter 62-346, Florida Administrative Code, (F.A.C.), and may be revoked, modified or transferred at any time pursuant to the appropriate provisions of Chapter 373, Florida Statutes.

This permit also constitutes certification compliance with water quality standards under Section 401 of the Clean Water Act, 33 U.S. Code 1341.

FDOT District 3 Permit Number: 1262 February 8, 2012 Page 2 of 9

# PERMIT IS CONDITIONED UPON:

See conditions on attached "Exhibit A", dated February 8, 2012 See conditions on attached "Exhibit B", dated February 8, 2012

**AUTHORIZED BY:** Northwest Florida Water Management District

Division of Resource Regulation

By: Wowen

Guy Gowens, Director, Division of Resource Regulation

FDOT District 3 Permit Number: 1262 February 8, 2012 Page 3 of 9

#### Exhibit A

# Specific Conditions

The following conditions are in addition to those listed in exhibit B, as provided for in subsection 62-346.381(2), Florida Administrative Code (F.A.C.).

# **General Specific Conditions**

- 1. Once project construction has been deemed complete, including the re-stabilization of all side slopes, embankments, and other disturbed areas, and before the transfer to the Operation and Maintenance phase, all obsolete erosion control materials shall be removed.
- 2. Record-keeping. The permittee shall be responsible for keeping records documenting that relevant permit conditions are met. This documentation shall include, at a minimum, the date of each inspection, the name and qualifications of the inspector, any maintenance actions taken, and a determination by the inspector as to whether the system is operating as intended.

# Other Specific Conditions

- 3. The Permittee, the Florida Department of Transportation, shall submit all necessary documentation that the required 0.44 mitigation credits for the authorized impacts to wetlands and other surface water has been secured from the Dutex Mitigation Area (UWRMP 5.1.5) pursuant to section 373.4137, Florida Statutes. All necessary documentation shall be received and approved by District staff prior to the transfer to the Operation and Maintenance phase of this permit to the Escambia County Board of County Commission.
- 4. Prior to construction, the limits of construction shall be clearly flagged and/or staked; particularly in areas adjacent to remaining natural wetlands. All construction personnel shall be shown the location(s) of all wetland areas outside of the construction area so as to prevent encroachment from heavy equipment into these areas.
- 5. Any negative impacts to wetlands and surface waters outside of the project area resulting from the construction shall be reported immediately to the Northwest Florida Water Management District, 800 Hospital Drive, Crestview, FL 32539, phone No. (850) 683-5044. Corrective action shall be taken as soon as practicable to restore the impacted area.

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#### Exhibit B

Conditions for Issuance of an Individual Permit (Rule 62-346.301, F.A.C.), Additional Conditions for Issuance of Individual and Conceptual Approval Permits (Rule 62-346.302, F.A.C.), and

General and Special Limiting Conditions (Rule 62-346.381, F.A.C.).
(all Rules Effective November 1, 2010)

#### 62-346.301 Conditions for Issuance of Individual Permits.

- (1) In order to obtain an individual permit under this chapter, an applicant must provide reasonable assurance that the construction, alteration, operation, maintenance, removal, or abandonment of a surface water management system:
- (a) Will not cause adverse water quantity impacts to receiving waters and adjacent lands;
- (b) Will not cause adverse flooding to on-site or off-site property;
- (c) Will not cause adverse impacts to existing surface water storage and conveyance capabilities;
- (d) Will not adversely impact the value of functions provided to fish and wildlife and listed species by wetlands and other surface waters.
- (e) Will not cause a violation of the water quality standards set forth in Chapters 62-4, 62-302, 62-520, 62-522, and 62-550, F.A.C., including the provisions of Rules 62-4.243, 62-4.244 and 62-4.246, F.A.C., the antidegradation provisions of paragraphs 62-4.242(1)(a) and (b), F.A.C., subsections 62-4.242(2) and (3), F.A.C., and Rule 62-302.300, F.A.C., and any special standards for Outstanding Florida Waters and Outstanding National Resource Waters set forth in subsections 62-4.242(2) and (3), F.A.C.;
- (f) Will not cause adverse secondary impacts to the water resources and not otherwise adversely impact the maintenance of surface or ground water levels or surface water flows established pursuant to Section 373.042, F.S.
- (g) Will be capable, based on generally accepted engineering and scientific principles, of being performed and of functioning as proposed;
- (h) Will be conducted by an entity with the financial, legal and administrative capability of ensuring that the activity will be undertaken in accordance with the terms and conditions of the permit, if issued; and
- (i) Will comply with any applicable special basin or geographic area criteria rules incorporated by reference in this chapter. When karst features exist on the site of a proposed stormwater management system, in addition to paragraphs (a) through (h) above, the applicant must provide reasonable assurance that untreated stormwater from the proposed system will not reach the Floridan Aquifer through sinkholes, solution pipes, or other karst features.
- (2) In instances where an applicant is unable to meet water quality standards because existing ambient water quality does not meet standards and the system will contribute to this existing condition, mitigation for water quality impacts can consist of water quality enhancement. In these cases, the applicant must implement mitigation measures that are proposed by or acceptable to the applicant that will cause net improvement of the water quality in the receiving waters for those parameters that do not meet standards.
- (3) In addition to the criteria in subsections 62-346.301(1) and (2), F.A.C., an applicant proposing the construction, alteration, operation, maintenance, abandonment, or removal of a dry storage facility for

FDOT District 3 Permit Number: 1262 February 8, 2012 Page 5 of 9

# Exhibit B (cont'd)

10 or more vessels that is functionally associated with a boat launching area must provide reasonable assurance that the facility, taking into consideration any secondary impacts, will meet the public interest test of Section 373.414(1)(a), F.S., including the potential adverse impacts to manatees. (4) The standards and criteria, including the provisions for elimination or reduction of impacts, and the mitigation provisions contained in sections 10.2.1 through 10.2.1.3 and sections 10.3 through 10.3.8, respectively, of Applicant's Handbook Volume I adopted by reference in Rule 62-346.091, F.A.C., shall determine whether the reasonable assurances required by subsection 62-346.301(1) and Rule 62-346.302, F.A.C., have been provided, as applicable. Forms for demonstrating that an applicant has met the financial responsibility requirements of sections 10.3.7 through 10.3.7.9 of Applicant's Handbook Volume I are hereby adopted and incorporated by reference as: (a) Form 62-346.900(12), "State of Florida Performance Bond To Demonstrate Financial Assurance for Mitigation" November 1, 2010; (b) Form 62-346.900(13), "State of Florida Irrevocable Letter of Credit To Demonstrate Financial Assurance for Mitigation" November 1, 2010; (c) Form 62-346.900(14), "Certificate I To (Name of Issuing Bank) Irrevocable Letter of Credit No. \_\_\_\_\_\_ "November 1, 2010; (d) Form 62-346.900(15), "Certificate II To \_\_\_\_\_\_ (Name of Issuing Bank) Irrevocable Nontransferable Standby Letter of Credit No. \_\_\_\_\_ "November 1, 2010; (e) Form 62-346.900(16), "State of Florida Standby Trust Fund Agreement to Demonstrate Financial Assurance for Mitigation Activities" November 1, 2010; (f) Form 62-346.900(17), "State of Florida Trust Fund Agreement to Demonstrate Financial Assurance for Mitigation Activities" November 1, 2010. These forms are contained in Appendix C of the "Department of Environmental Protection and Northwest Florida Water Management District Environmental Resource Permit Applicant's Handbook-Volume I (General and Environmental)," and may be obtained from the locations provided in Rule 62-346.900, F.A.C.

Rulemaking Authority 373.026(7), 373.043, 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.042, 373.409, 373.413, 373.4142, 373.4145, 373.416, 373.4132, 373.426, 373.429 FS. History-New 10-1-07, Amended 11-1-10.

# 62-346.302 Additional Conditions for Issuance of Individual and Conceptual Approval Permits.

- (1) In addition to the conditions set forth in Rule 62-346.301, F.A.C., in order to obtain an individual (including conceptual approval) permit under this chapter, an applicant must provide reasonable assurance that the construction, alteration, operation, maintenance, removal, and abandonment of a system:
- (a) Located in, on, or over wetlands or other surface waters will not be contrary to the public interest, or if such an activity significantly degrades or is within an Outstanding Florida Water, that the activity will be clearly in the public interest, as determined by balancing the following criteria as set forth in sections 10.2.3 through 10.2.3.7 of Applicant's Handbook Volume I adopted by reference in Rule 62-346.091, F.A.C.:
- 1. Whether the activity will adversely affect the public health, safety, or welfare or the property of others;
- 2. Whether the activity will adversely affect the conservation of fish and wildlife, including

FDOT District 3 Permit Number: 1262 February 8, 2012 Page 6 of 9

# Exhibit B (cont'd)

endangered or threatened species, or their habitats;

- 3. Whether the activity will adversely affect navigation or the flow of water or cause harmful erosion or shoaling;
- 4. Whether the activity will adversely affect the fishing or recreational values or marine productivity in the vicinity of the activity;
- 5. Whether the activity will be of a temporary or permanent nature;
- 6. Whether the activity will adversely affect or will enhance significant historical and archaeological resources under the provisions of Section 267.061, F.S.; and
- 7. The current condition and relative value of functions being performed by areas affected by the proposed activity.
- (b) Will not cause unacceptable cumulative impacts upon wetlands and other surface waters as set forth in sections 10.2.8 through 10.2.8.2 of Applicant's Handbook Volume I.
- (c) Located in, adjacent to or in close proximity to Class II waters or located in Class II waters or Class III waters classified by the Department of Agriculture and Consumer Services as approved, restricted, conditionally approved, or conditionally restricted for shellfish harvesting as set forth or incorporated by reference in Chapter 5L-1, F.A.C. (July 29, 2008), will comply with the additional criteria in section 10.2.5 of Applicant's Handbook Volume I.
- (d) Which constitute vertical seawalls in estuaries or lagoons, will comply with the additional criteria provided in section 10.2.6 of Applicant's Handbook Volume I.
- (2) When determining whether a permit applicant has provided reasonable assurances that the Department's permitting standards will be met, the Department shall take into consideration the applicant's violation of any Department rules adopted pursuant to Sections 403.91 through 403.929, F.S., (1984 Supp.), as amended, or any Department rules adopted pursuant to Part IV, Chapter 373, F.S., relating to any other project or activity and efforts taken by the applicant to resolve these violations.

Rulemaking Authority 373.026(7), 373.043, 373.414(9), 403.805(1) FS. Law Implemented 373.042, 373.413, 373.414, 373.416, 373.426, 380.23 FS. History-New 11-1-10.

# 62-346.381 General and Special Limiting Conditions.

- (1) The following general conditions shall be applicable to and binding on all individual permits issued pursuant to this chapter, unless the conditions are not applicable to the activity authorized by the permit, or where the conditions must be modified to accommodate unique, project-specific conditions.
- (a) All activities authorized by this permit shall be implemented as set forth in the plans, specifications and performance criteria approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity may constitute grounds for revocation or enforcement action by the Department, unless a modification has been applied for and approved in accordance with Rule 62-346.100, F.A.C.
- (b) This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications, shall be kept at the work site of the permitted activity during the construction phase. The complete permit shall be available for review at the work site upon request by the Department staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit. A weather-resistant sign, measuring at least 8 1/2 inches by

FDOT District 3 Permit Number: 1262 February 8, 2012 Page 7 of 9

# Exhibit B (cont'd)

- 11 inches, and including the permit number (in lettering that is easily visible from the access road) shall be placed on the property facing the road.
- (c) Activities approved by this permit shall be conducted in a manner that does not cause violations of state water quality standards.
- (d) Immediately prior to, during construction, and for the period of time after construction to allow for stabilization of all disturbed areas, the permittee shall implement and maintain erosion and sediment control best management practices, such as silt fences, erosion control blankets, mulch, sediment traps, polyacrylamide (PAM), temporary grass seed, permanent sod, and floating turbidity screens to retain sediment on-site and to prevent violations of state water quality standards. These devices shall be installed, used, and maintained at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the permitted work, and shall remain in place at all locations until construction is completed and soils are permanently stabilized. All best management practices shall be in accordance with the guidelines and specifications described in the State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Transportation and Florida Department of Environmental Protection, 2007), unless a project-specific erosion and sediment control plan is approved as part of the permit. If project-specific conditions require additional measures during any phase of construction or operation to prevent erosion or control sediments beyond those specified in the approved erosion and sediment control plan, the permittee shall implement additional best management practices as necessary, in accordance with the guidelines and specifications in the State of Florida Erosion and Sediment Control Designer and Reviewer Manual, Prepared for Florida Department of Transportation & Florida Department of Environmental Protection by HydroDynamics Incorporated in cooperation with Stormwater Management Academy, June 2007. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources as soon as practicable. Once project construction has been deemed complete, including the re-stabilization of all side slopes, embankments, and other disturbed areas, and before conversion of the permit to the operation and maintenance phase, all silt screens and fences, temporary baffles, and other materials that are no longer required for erosion and sediment control shall be removed.
- (e) Stabilization measures shall be initiated for erosion and sediment control on disturbed areas as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than seven days after the construction activity in that portion of the site has temporarily or permanently ceased.
- (f) At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the Department a fully executed Form 62-346.900(3), "Construction Commencement Notice," incorporated by reference herein, indicating the expected start and completion dates. Information on how a copy of this form may be obtained is contained in Rule 62-346.900, F.A.C.
- (g) Within 30 days after completion of construction of the whole system, or independent portion of the system, the permittee shall notify the Department that construction has been completed and the system is ready for inspection by submitting one of the following forms to the Department office that issued the permit:
- 1. For systems other than those that serve an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex, Form 62-346.900(4), "As-Built Certification by a Registered Professional." If the registered professional has certified that the system has been built substantially in

FDOT District 3 Permit Number: 1262 February 8, 2012 Page 8 of 9

# Exhibit B (cont'd)

compliance with the plans and specifications in the permit, and that such system is ready for inspection, the permittee shall also submit Form 62-346.900(6), "Request for Conversion of Environmental Resource Individual Permit Construction Phase to Operation and Maintenance Phase." The system shall not be used and operated for its permitted purpose until the Department has approved the request to authorize the operation phase, in accordance with Rule 62-346.095, F.A.C. The "As-Built Certification" shall be for the purpose of determining if the work was completed in substantial compliance with permitted plans and specifications. The certification shall include as-built drawings in the form of the permitted drawings that clearly show any substantial deviations made during construction. The plans must be clearly labeled as "as-built" or "record" drawings.

- 2. For systems that serve an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex, Form 62-346.900(5), "Construction Completion and Inspection Certification for a System Serving an Individual, Private Single-Family Dwelling Unit."
- (h) Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the initiation of the permitted use of the facility, or the site infrastructure located within the area served by that portion or phase of the system.
- (i) The permittee shall remain liable for compliance with the operation and maintenance of the system in accordance with the terms and conditions of the permit for the life of the system, unless such permit is transferred to an acceptable responsible entity in accordance with Rules 62-346.095 and 62-346.130, F.A.C. Once transfer of the permit has been approved by the Department, the transferee shall be liable for compliance with all the terms and conditions of the operation and maintenance phase of the permit for the life of the system.
- (j) Should any other regulatory agency require changes to the permitted system, the permittee shall notify the Department in writing of the changes prior to implementation so that the Department can determine whether a permit modification is appropriate.
- (k) This permit does not convey to the permittee or create in the permittee any property right or any interest in real property, nor does it authorize any entrance upon or activities on property that is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in this permit or Chapter 62-346, F.A.C. Permittees having the right to exercise the power of eminent domain or who had a contract to purchase the property subject to this permit shall not commence any work under this permit until the permittee has provided the Department with proof of transfer of ownership of the property in the name of the permittee. If such transfer of ownership does not occur, the permittee shall surrender this permit, and the permit shall be null and void.
- (l) Pursuant to Section 373.422, F.S., prior to conducting any activities on sovereign submerged lands, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed. (m) The permittee shall hold and save the Department 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 system authorized by the permit.
- (n) The permittee shall notify the Department in writing at least 30 days prior to any sale, conveyance, or other transfer of ownership or control of a permitted system or the real property on which the permitted system is located. Where ownership of the land subject to the permit was demonstrated through a long-term lease, the lessee must have transferred ownership and control of the permitted

FDOT District 3 Permit Number: 1262 February 8, 2012 Page 9 of 9

# Exhibit B (cont'd)

system to the current landowner or new lessee, effective prior to or on the date of expiration of the lease. All transfers of ownership or transfers of a permit are subject to the requirements of Rules 62-346.095 and 62-346.130, F.A.C.

- (o) Upon reasonable notice to the permittee, Department staff with proper identification shall have permission to enter, inspect, sample and test the system to ensure conformity with the plans and specifications authorized in the permit.
- (p) If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the Department.
- (q) The permittee shall immediately notify the Department in writing of any previously submitted information that is later discovered to be inaccurate.
- (r) The issuance of this permit does not relieve the permittee from the responsibility to obtain any other required federal, state, and local authorizations.
- (s) The permittee is advised that, pursuant to Section 556.105, F.S., excavating contractors are required to provide certain information concerning the excavation that may affect underground facilities through the one-call notification system not less than two, nor more than five, business days before beginning any excavation.
- (2) In addition to those general conditions set forth in subsection (1) above, the Department shall impose on any individual permit granted under this chapter such reasonable project-specific special conditions as are necessary to assure that the permitted system will not be harmful to the water resources, as set forth in Rules 62-346.301 and 62-346.302, as applicable, F.A.C., and the Applicant's Handbook Volumes I and II.

Rulemaking Authority 373.026(7), 373.043, 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.117, 373.409, 373.413, 373.4142, 373.4145, 373.416, 373.418, 373.419, 373.422, 373.423, 373.426, 373.428, 403.0877 FS. History-New 10-1-07, Amended 11-1-10.

# AS-BUILT CERTIFICATION BY PROFESSIONAL ENGINEER

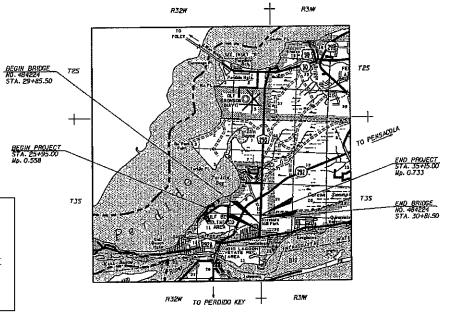
Submit this form and one set of as-built engineering drawings to the U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, Mr. Terry Wells, 41 North Jefferson St., Suite 111, Pensacola, FL 32502. If you have questions regarding this requirement, please contact the Special Projects and Enforcement Branch at 904-232-3131.

1. Department of the Army Perm	<b>nit Number:</b> SAJ-2012-00133 (SP-AA	aK)
2. Permittee Information:		
Name		
Address		
3. Project Site Identification:		
Physical location/address		
4. As-Built Certification:		<del></del>
permit, has been accomplished in a noted below. This determination is	I work, including any mitigation require accordance with the Department of the A based upon on-site observation, schedul- direct supervision. I have enclosed of	rmy permit with any deviations ed and conducted by me or by a
Signature of Engineer	Name (Please type)	
(FL, PR or VI) Reg. Number	Company Name	
Address		
City State ZIP		
(Affix Seal)		
Date	Telephone Number	

Deviations from the approved permit drawings and special conditions: necessary)	(attach additional pages i
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STATE OF CORD

US Army Corps of Engineers.

Datum:

SAJ-2012-00133 (SP-AAK)

FDOT – Bauer Road Bridge Replacement (FPN 42289513201)

Sheet #\_\_1\_\_ of \_\_24\_ August 30, 2012

Applicant: Florida Department of Transportation (FDOT)
Water Body: 8/A
County: Escapida

Purpose: <u>Dredge & Fill for Bauer Road over</u>
Unnomed Branch (Bridge No. 484224)
Original Work | Walnianonce | December 13, 2011

VOLKERT

Delineation Prepared by:
Paul B. Looney, PWS, CEP, CSE

3809 Moffett Road
Mobile, Alabama 36618
PH 251,342,1070
www.volker.cem FAX 251,342,7962

NOTE: PERMITTING PURPOSES ONLY

SCALE: NTS

I. THIS MAINTENANCE OF TRAFFIC PLAN IS NOT ALL INCLUSIVE. THE PLAN IS INTENDED TO PROVIDE ONLY THE MAJOR TRAFFIC CONTROL REQUIREMENTS. MAINTENANCE OF TRAFFIC TO BE PERFORMED AS PER THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES 2003, FLORIDA D.O.T. STANDARD SPECIFICATIONS, ROADWAY DESIGN STANDARD INDEX SERIES 600, AND AS SHOWN IN THESE PLANS.

#### 2. ROAD CLOSURE:

THE CONTRACTOR SHALL NOTIFY LOCAL LAW ENFORCEMENT AGENCIES, FIRE STATIONS AND THE PUBLIC THROUGH MEDIA OUTLETS 48 HOURS IN ADVANCE OF ROAD CLOSURE. THE CONTRACTOR SHALL COORDINATE WITH THE APPROPRIATE
AGENCIES AND INSPECTION PERSONNEL TO INSURE TRAFFIC IS SAFELY ACCOMMODATED AND THE REQUIRED COORDINATION CAN BE ACCOMPLISHED FOR CONSTRUCTION

3. ALL EXISTING DEPARTMENT OF TRANSPORTATION OR COUNTY WARNING, GUIDE AND REGULATORY SIGNS WITHIN THE CONSTRUCTION LIMITS SHALL BE MAINTAINED AT ALL TIMES EXCEPT FOR SIGNS WHICH CONFLICT WITH CONSTRUCTION OPERATIONS. SIGNS THAT CONFLICT WITH CONSTRUCTION OPERATIONS AND / OR TEMPORARY TRAFFIC PATTERNS SHALL BE COVERED OR REMOVED, STOCKPILED, AND RELOCATED BY THE CONTRACTOR. SIGN REMOVAL SHALL BE AS DIRECTED BY THE PROJECT ADMINISTRATOR. CAUTION SHOULD BE EXERCISED WHILE RELOCATING EXISTING SIGNS TO PREVENT UNNECESSARY DAMAGE TO SIGNS IF THE SIGNS ARE DAMAGED BEYOND USE, AS DETERMINED BY THE PROJECT ADMINISTRATOR, SIGNS WILL BE REPLACED BY THE CONTRACTOR AT HIS EXPENSE.

CONSTRUCTION NOTE

FILL SHALL BE PLACED AS EARLY IN CONSTRUCTION AS POSSIBLE TO MINIMIZE SETTLEMENT.

DISPLAY 2 DISPLAY 1 (a) BAUER RD (b) ROAD BRIDGE CLOSED OUT AHEAD VARIABLE MESSAGE SIGN DETAIL

NOTES I. VARIABLE MESSAGE SIGNS SHALL BE USED IN VARIABLE MESSAGE SIGNS SHALL BE USED IN ACCORDANCE WITH INDEX SERIES 600 AT THE DIRECTION OF THE CONSTRUCTION PROJECT ADMINISTRATOR DURING LANE CLOSURE PERIODS.

2. SIGN LOCATIONS MAY BE ADJUSTED TO FIT

#### TRAFFIC CONTROL & EROSION CONTROL LEGEND

TEMPORARY CONSTRUCTION AREA 1883 TYPE III BARRICADE (WITH SEDIMENT BARRIER FLASHING LIGHT) NEW CONSTRUCTION AREA STAKED TURBIDITY VARIABLE MESSAGE SIGN PAVEMENT REMOVAL  $\otimes \otimes$ TRAFFIC FLOW ARROW FLOATING TURBIDITY TEMPORARY PAVEMENT (IN-PLACE) Ç PAVEMENT MARKING WIDEN AND RESURFACE AREA  $\Box$ POSTED MOUNTED SIGN SIGN WITH 18" x 18" (MIN.)
ORANGE FLAG AND TYPE B LIGHT

H US Army Corps of Engineers SAJ-2012-00133 (SP-AAK) FDOT – Bauer Road Bridge Replacement (FPN 42289513201) Sheet #\_\_2\_ of 24 August 30, 2012

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				Certificate of Authorization No. 4641 Justin B. O'Donnell, PE 65899
				3809 Moffett Road Mobile, Alabama 36618 PH 251.342.1070 www.volkert.com FAX 251.342.7962

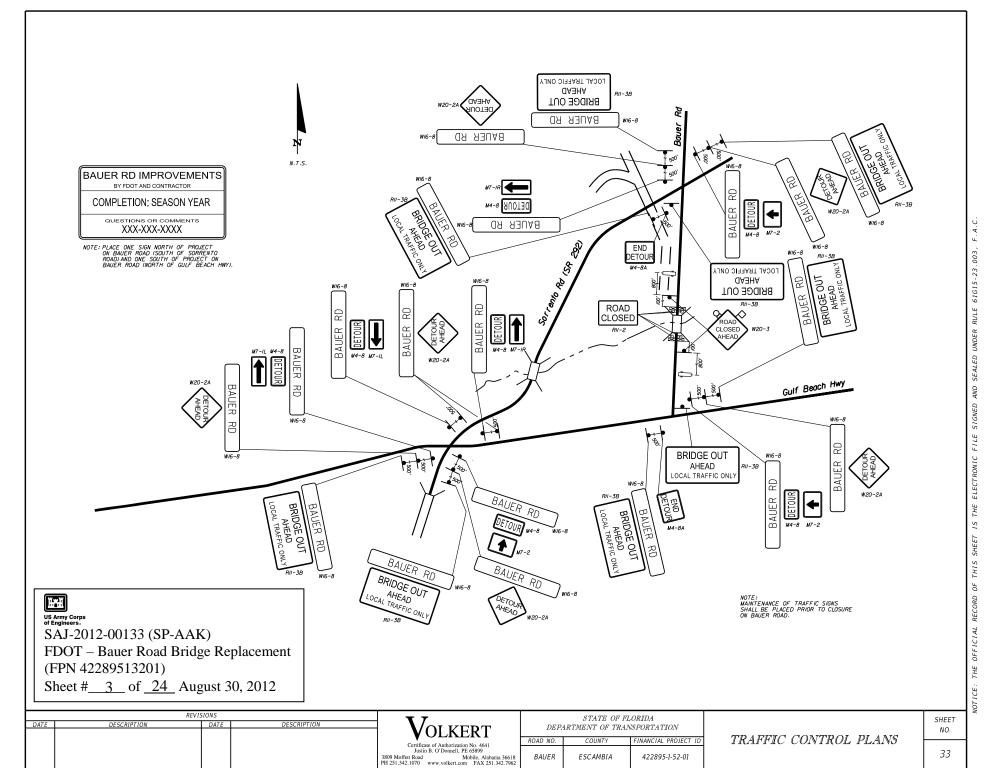
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	thorization No. 4641
Justin B. O'D	onnell, PE 65899
Moffett Road	Mobile, Alabama 36

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION							
ROAD NO.	COUNTY	FINANCIAL PROJECT I					
BAUER	ESCAMBIA	422895-1-52-01					

TRAFFIC CONTROL PLANS

SHEET NO.

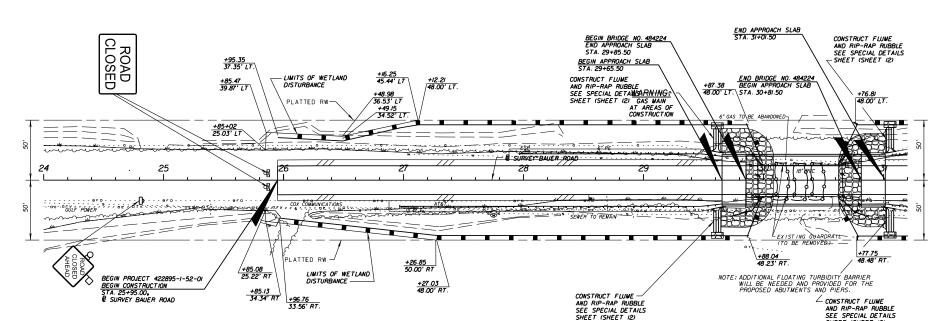
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US Army Corps of Engineers

SAJ-2012-00133 (SP-AAK)

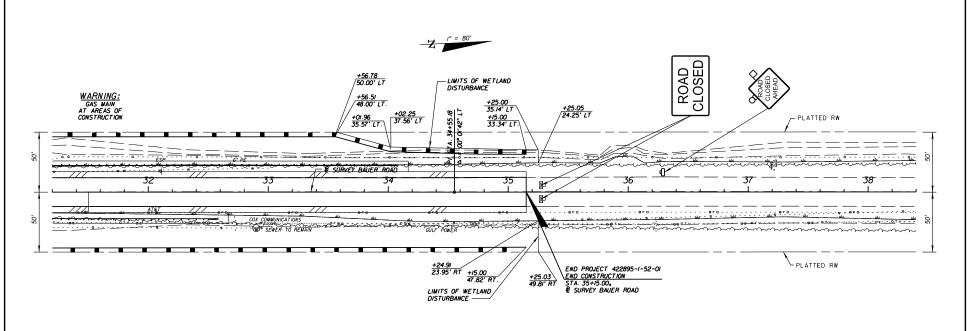
FDOT – Bauer Road Bridge Replacement (FPN 42289513201)

Sheet #\_\_4\_ of \_24\_ August 30, 2012

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L					PH 251.342.1070 www.volkert.com FAX 251.342.7962		EJCAMBIA		F12012		J.

wilkins

SHEET (SHEET 12)





US Army Corps of Engineers

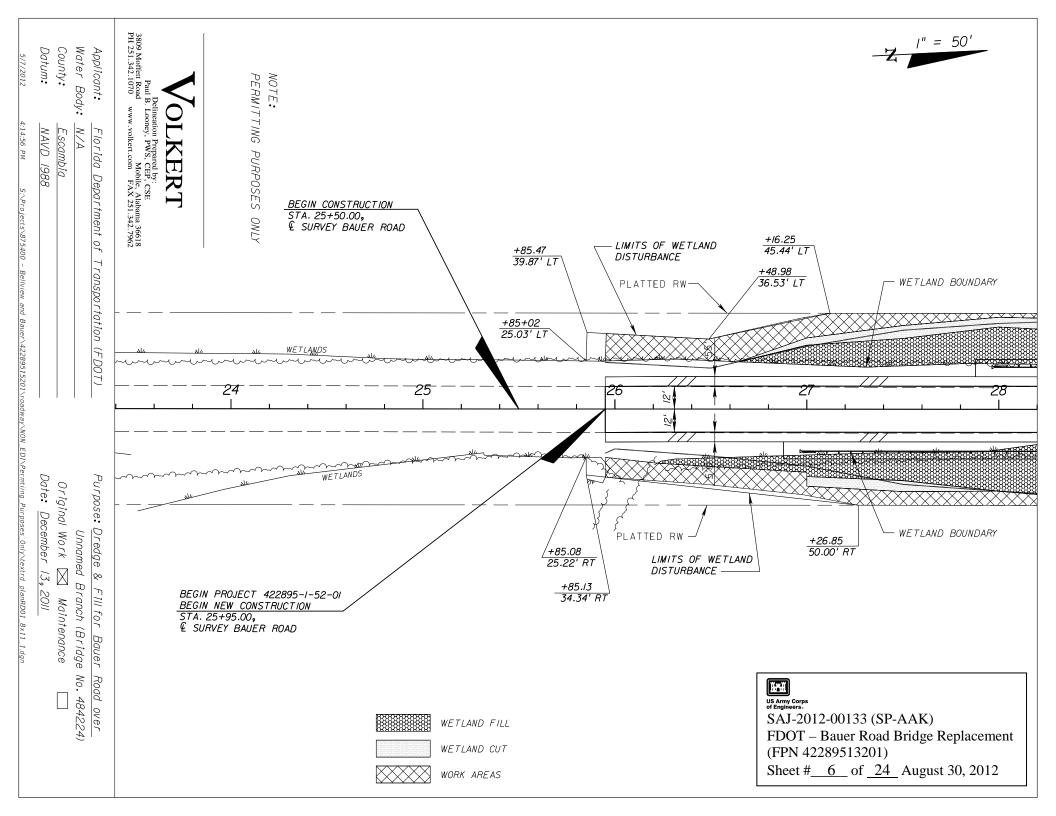
SAJ-2012-00133 (SP-AAK)

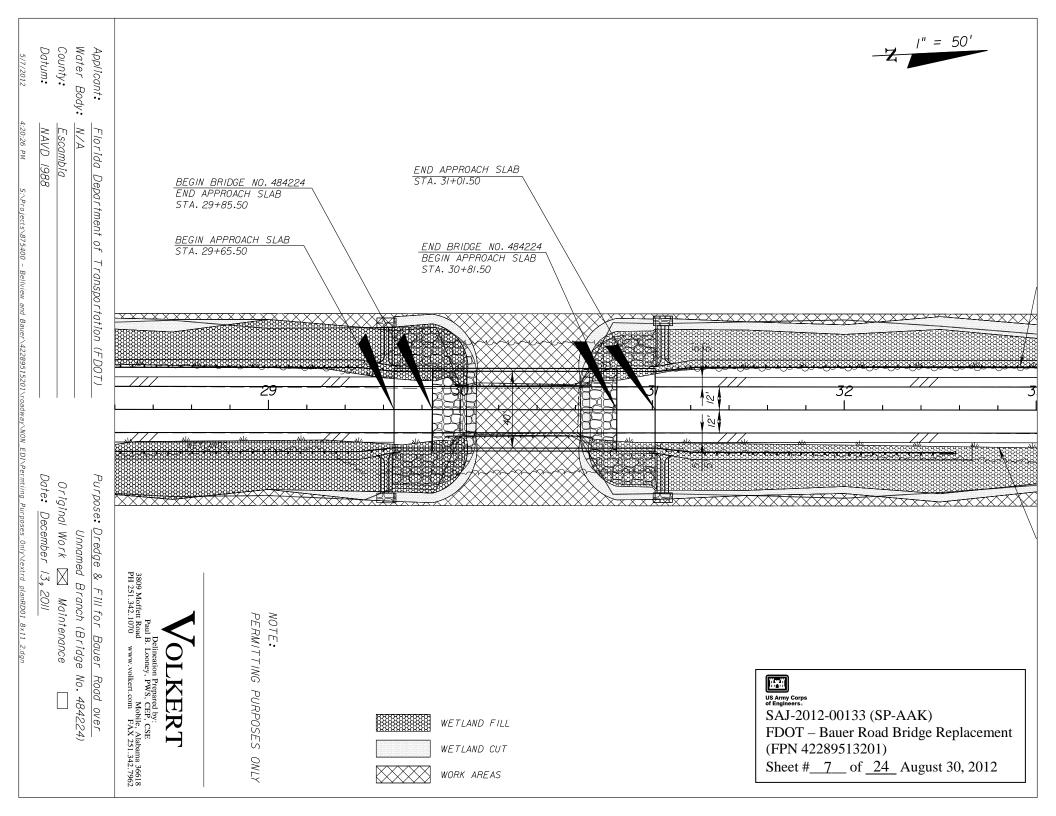
FDOT – Bauer Road Bridge Replacement (FPN 42289513201)

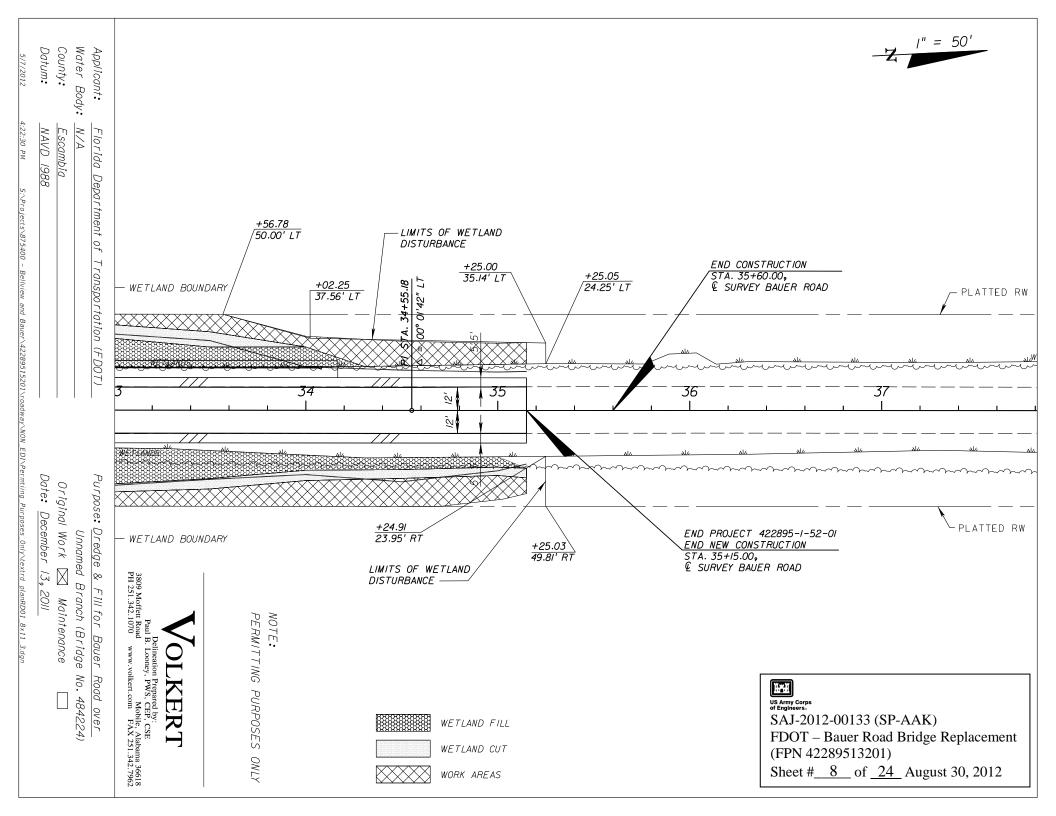
Sheet #\_\_\_5\_\_ of \_\_24\_\_ August 30, 2012

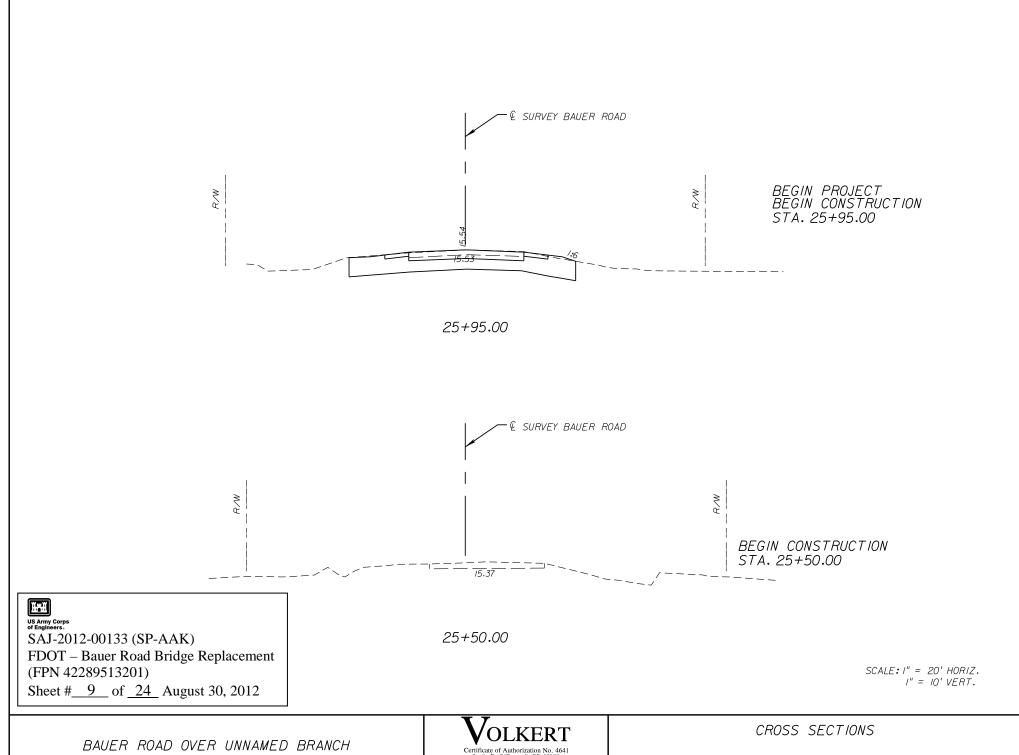
DATE DESCRIPTION  OLKERT Certificate of Authorization No. 4641 Justin B. O'Donnell, PE 65899 3809 Moffer Road PH 25.1342,1070 www.volkert.com FAX 251.342,7962  BAUER ESCAMBIA 422895-1-52-01  TRAFFIC CONTROL PLANS  35		REVIS	IONS		<b>T</b> 7		STATE OF FI	CORIDA				SF	HEET
Certificate of Authorization No. 4641 Justin B. O'Donnell, PE 65899 3809 Moffer Road Mobile, Alabama 36618 BAUER ESCAMBIA 422895-1-52-01	DATE	DESCRIPTION	DATE	DESCRIPTION	<b>V</b> OLKERT	DEP						- 1	
Justin B. O'Donnell, PE 658618  3809 Moffer Road Mobile, Alabama 36618  BAUER ESCAMBIA 422895-1-52-01  35					<b>▼</b>	ROAD NO.	COUNTY	FINANCIAL PROJECT ID	)	TRAFFIO	C CONTROL PLANS	-	-
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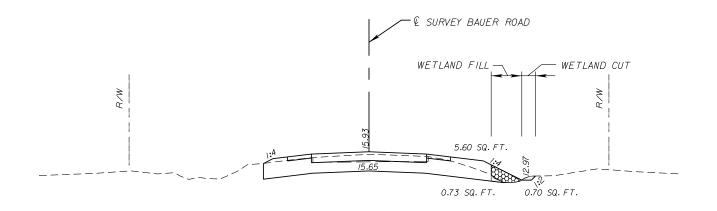
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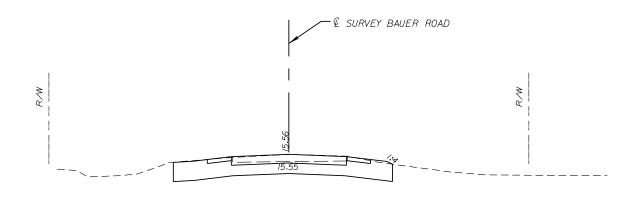








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US Army Corps of Engineers

SAJ-2012-00133 (SP-AAK)

FDOT – Bauer Road Bridge Replacement (FPN 42289513201)

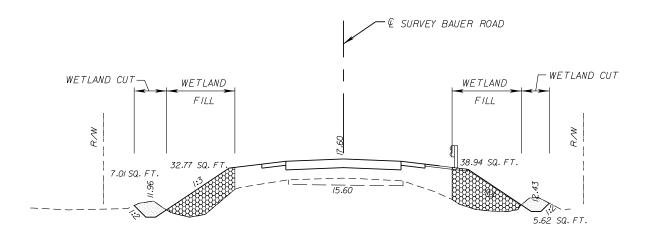
Sheet #\_\_\_10\_ of \_\_24\_ August 30, 2012

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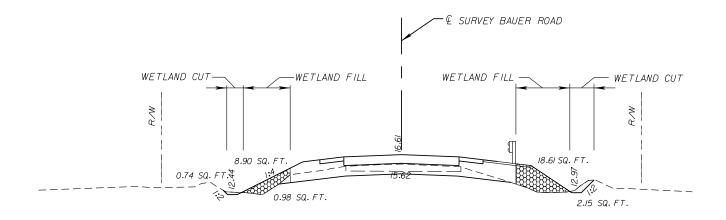
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Certificate of Authorization No. 4641 Justin B. O'Donnell, PE 65899 3809 Moffett Road Mobile, Alabama 36618 PH 251.342,1070 www.yolkert.com FAX 251.342,7962 CROSS SECTIONS



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US Army Corps of Engineers

SAJ-2012-00133 (SP-AAK)

FDOT – Bauer Road Bridge Replacement (FPN 42289513201)

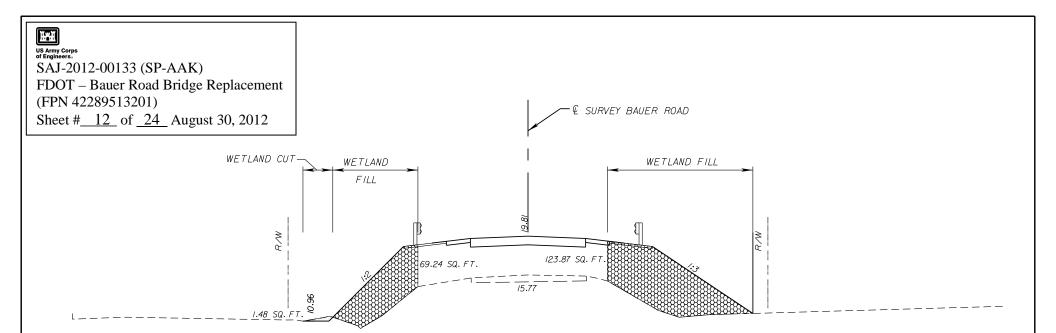
Sheet # 11 of 24 August 30, 2012

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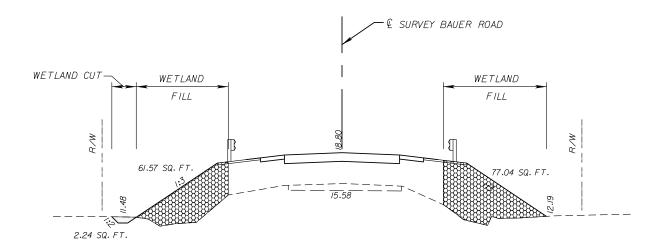
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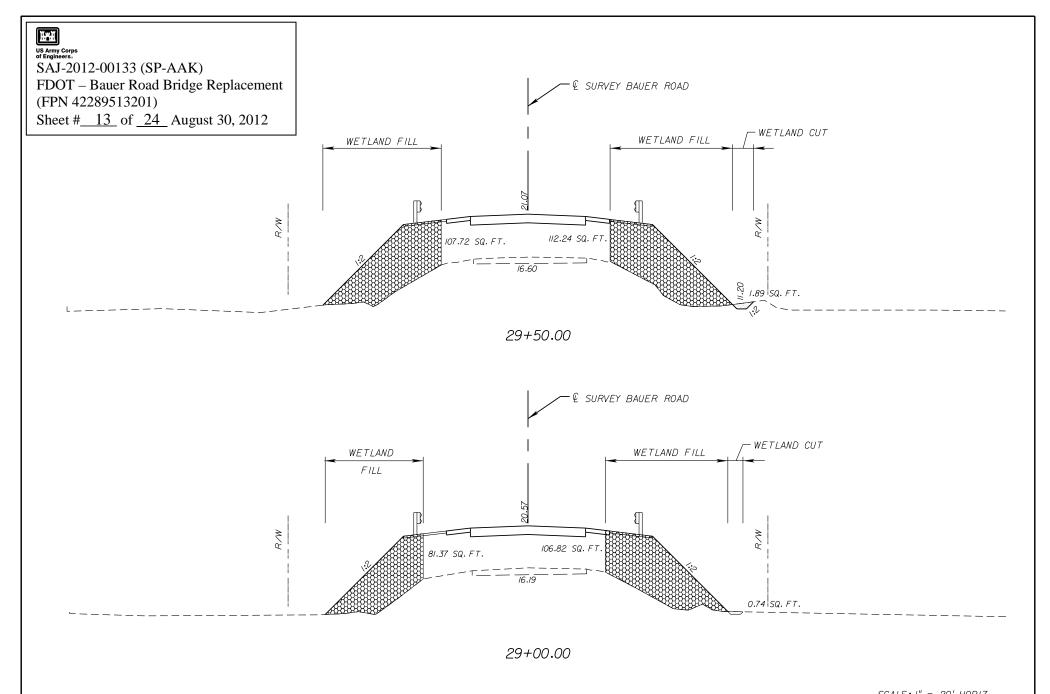
Certificate of Authorization No. 4641 Justin B. O'Donnell, PE 65899 3809 Moffett Road Mobile, Alabama 36618 PH 251.342.1070 www.volkert.com FAX 251.342,7962 CROSS SECTIONS

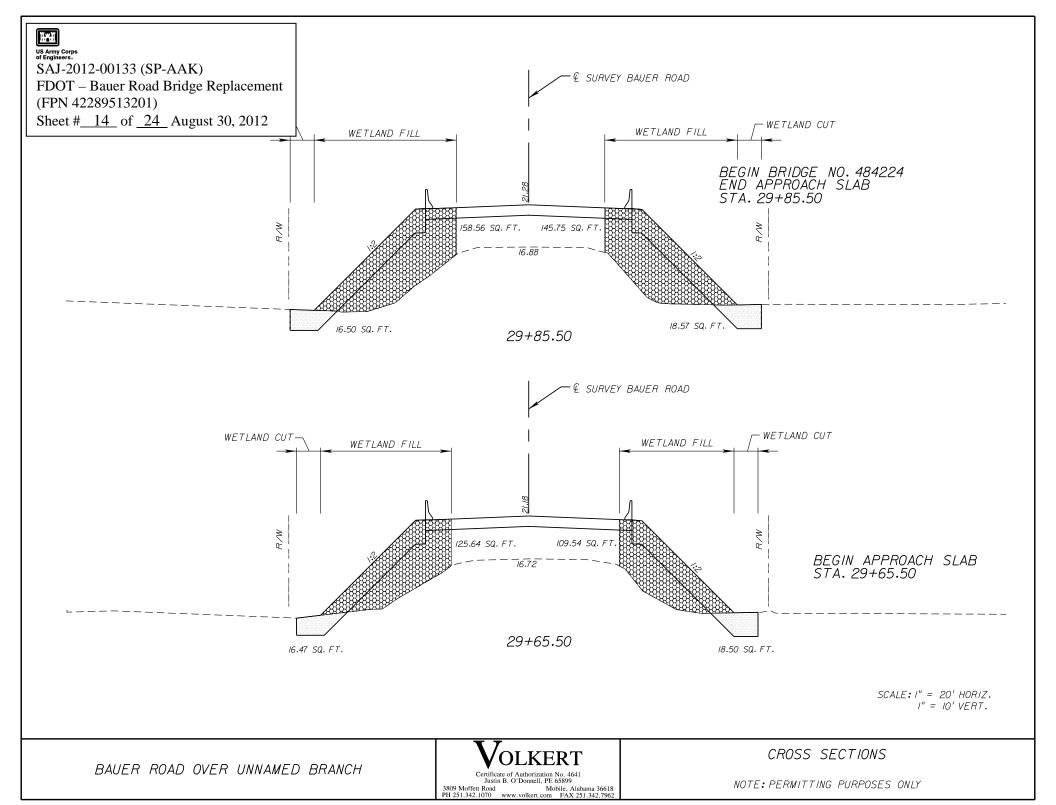


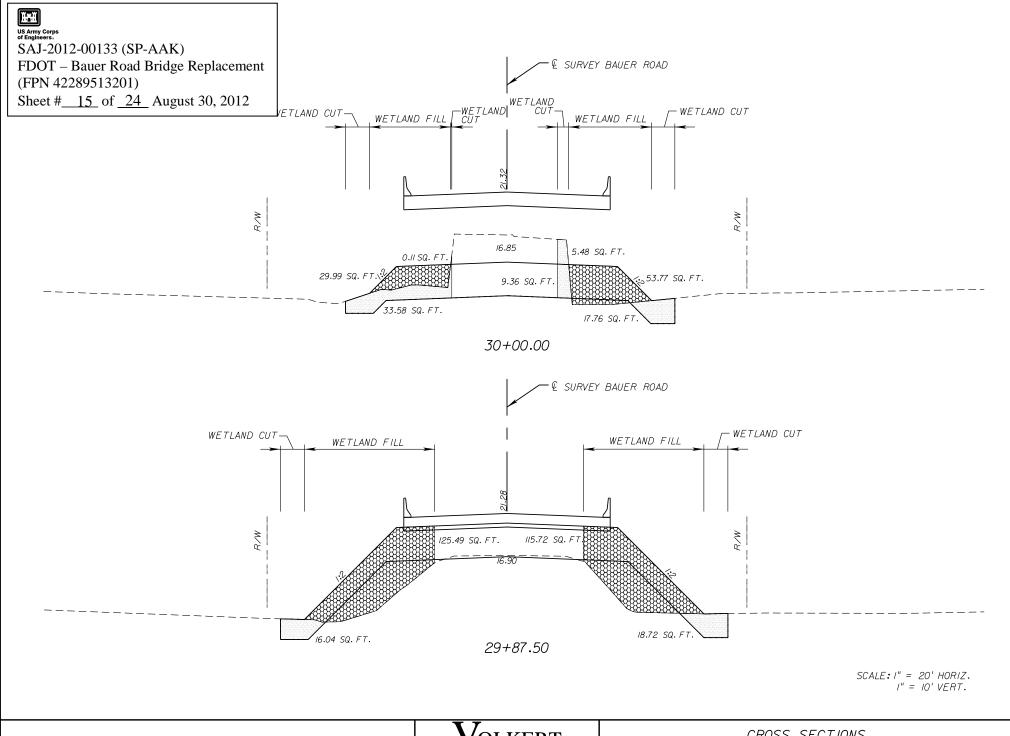




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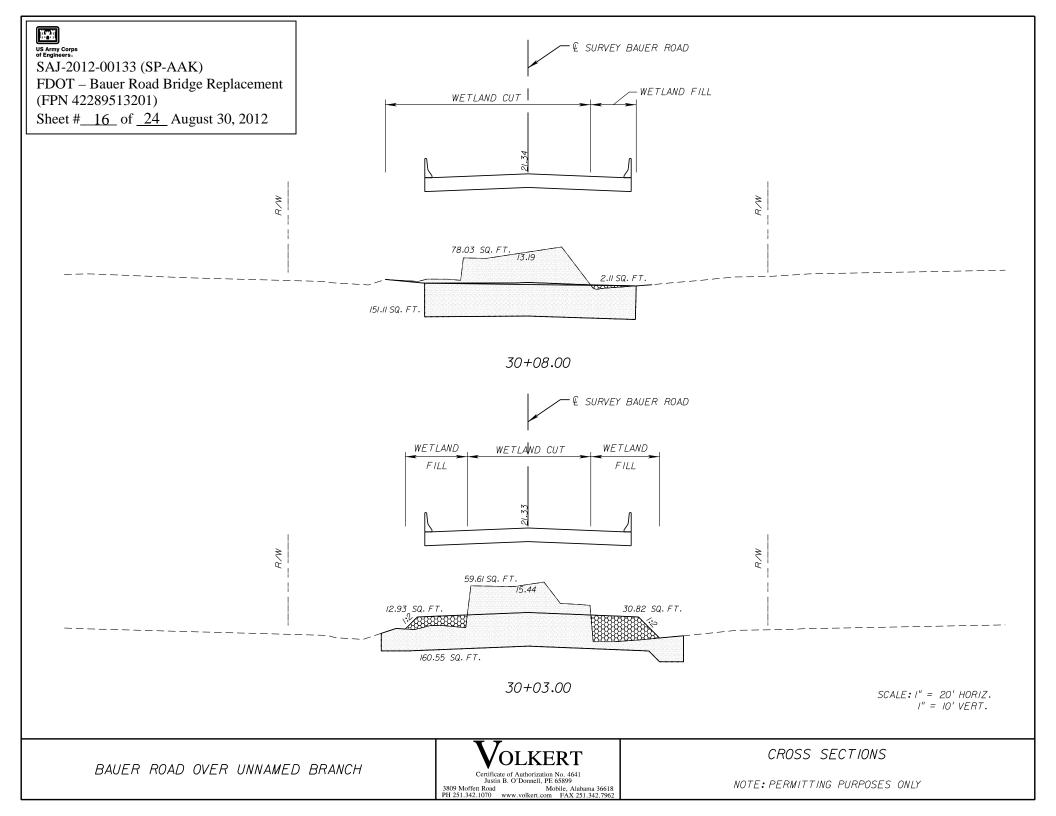


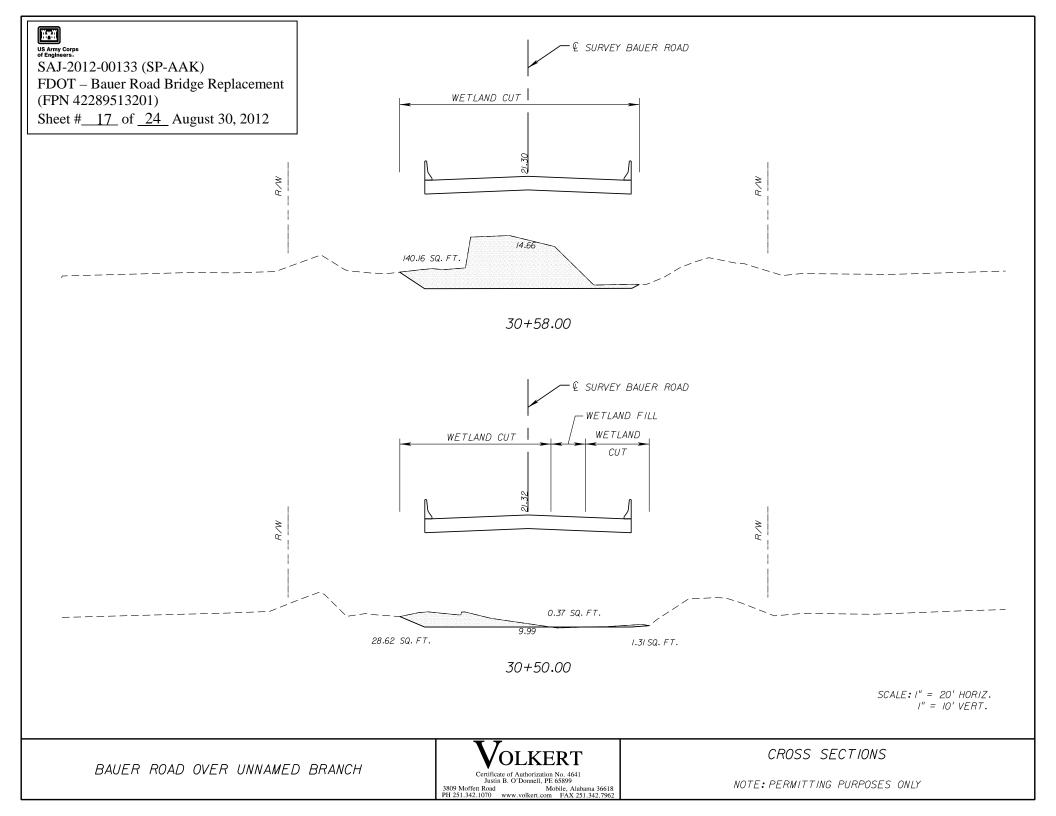


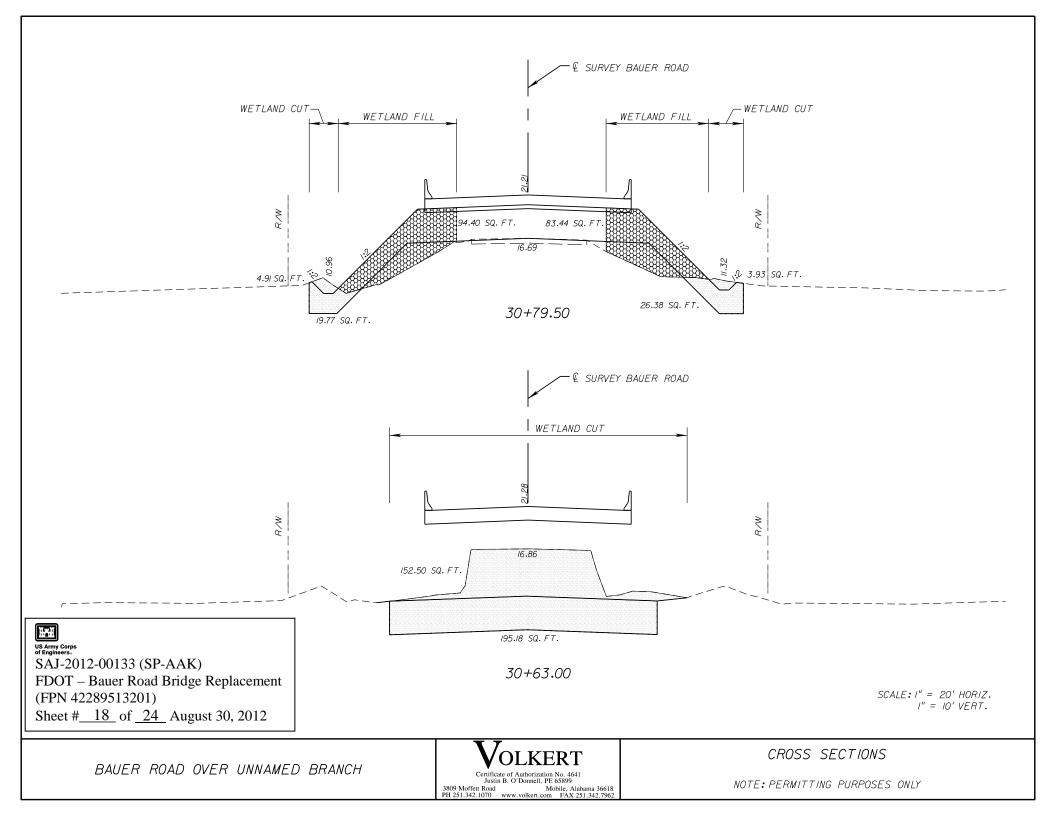


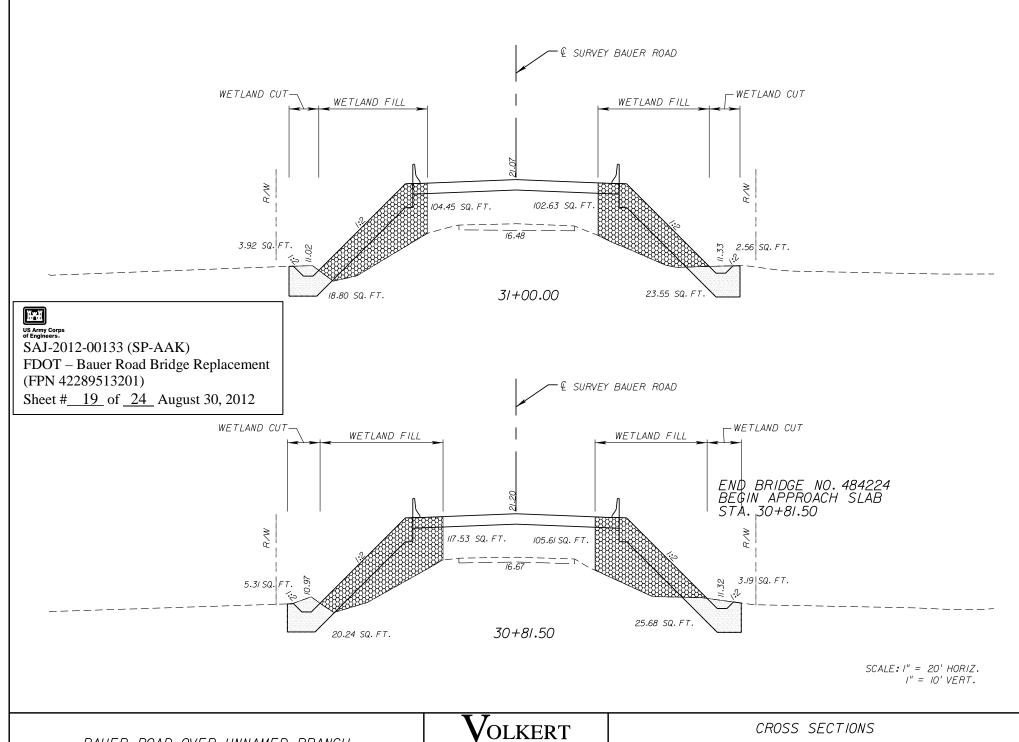
BAUER ROAD OVER UNNAMED BRANCH

3809 Moffett Road PH 251.342.1070 Mobile, Alabama 36618 www.volkert.com FAX 251.342.7962 CROSS SECTIONS





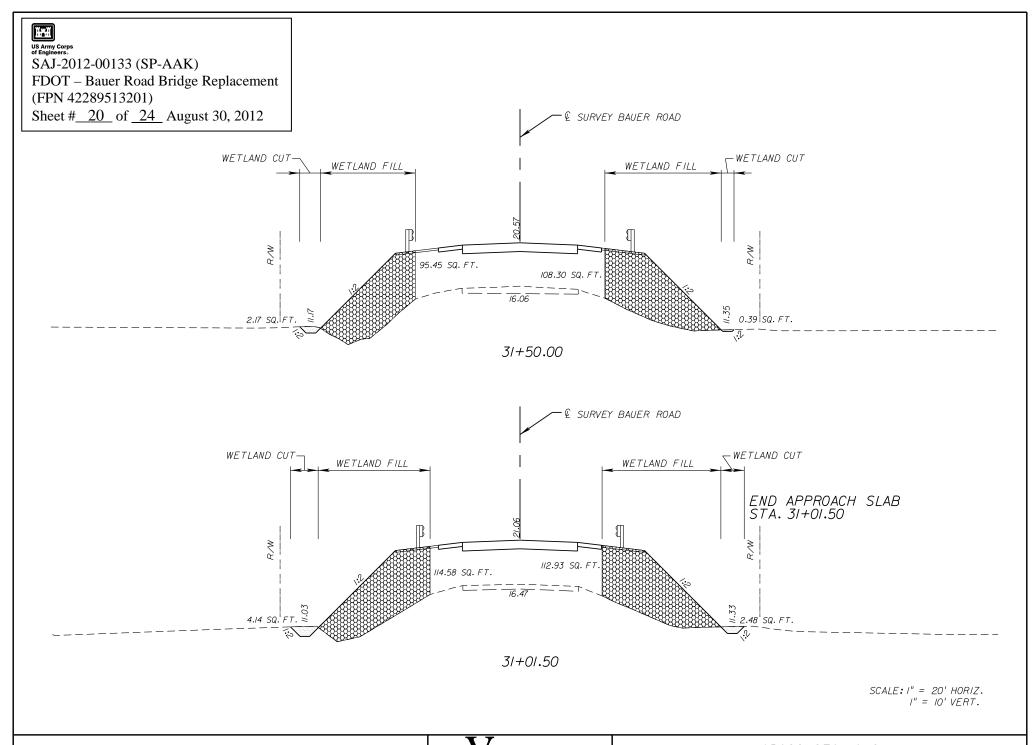


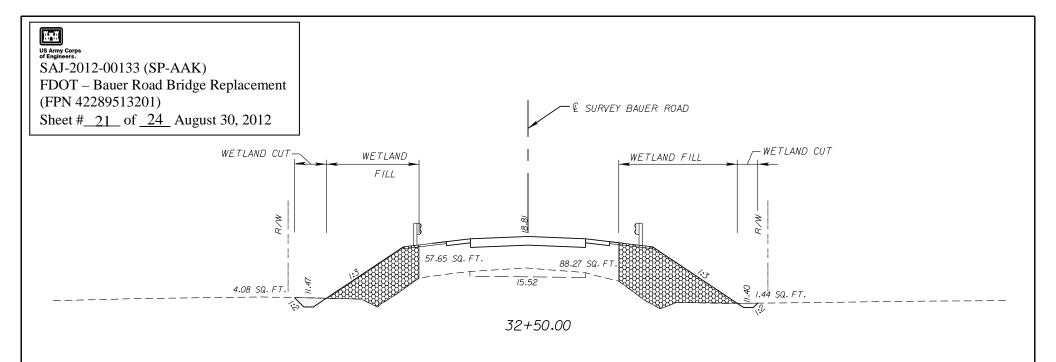


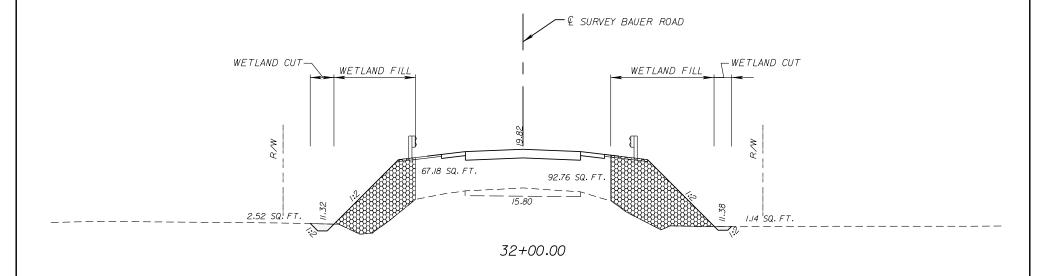
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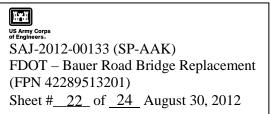
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Justin B. O'Donnell, PE 65899

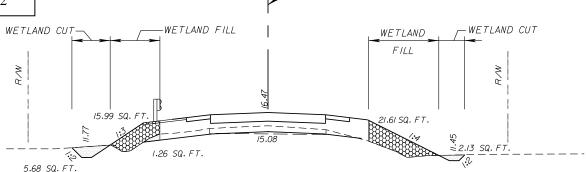
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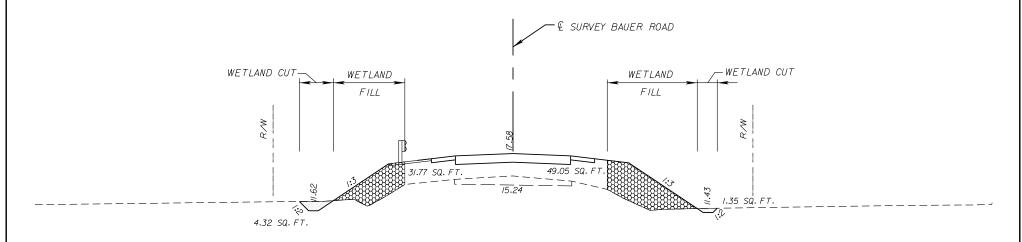




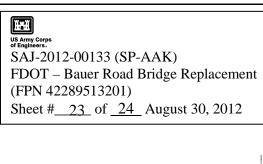


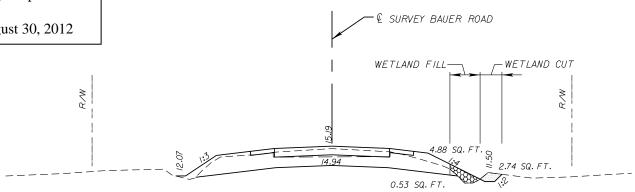
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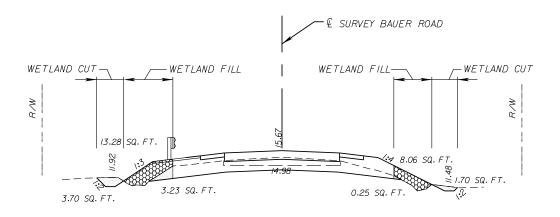


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