



# Florida Department of Environmental Protection

160 W. Government Street, Suite 308  
Pensacola, Florida 32502-5740

Rick Scott  
Governor

Carlos Lopez-Cantera  
Lt. Governor

Jonathan P. Steverson  
Secretary

July 25, 2016

Northwest Florida Water Management District  
Robert Lide  
81 Water Management Drive  
Havana, Florida 32333  
[robert.lide@nwfwater.com](mailto:robert.lide@nwfwater.com)

Northwest Florida Water Management District Low Water Crossing  
File No.: 23-0333961-002-EE  
Gulf County

Dear Mr. Lide:

On **June 24, 2016**, we received your request for verification of exemption to perform the following activities:

Remove an existing dirt road separating two formerly connected areas of wetlands and replace it with a 150-foot long low-water crossing consisting of rock aggregate over filter fabric in order to remove a hydrologic blockage and enhance wetland function in an unnamed sawgrass dominated wetland, a Class III Florida waterbody, at parcel ID# 06322-000R, Section 24, Township 9 S, Range 11 W, Gulf County. Proper Best Management Practices shall be used at all times to prevent impacts to the adjacent wetlands. The above described activity shall will be used, in part, to offset impacts associated with road improvements on State Road 300 at Eastpoint Point, as permitted by the United States Army Corps of Engineers, permit # SAJ-2015-02153 NW-RLT,

Your request has been reviewed to determine whether it qualifies for (1) regulatory exemption, (2) proprietary authorization (related to state-owned submerged lands), and (3) federal approval that may be necessary for work in wetlands or waters of the United States.

Your project did not qualify for the federal review portion of this verification request.

**Additional authorization must be obtained prior to commencement of the proposed activity.** This letter does not relieve you from the responsibility of obtaining other federal, state, or local authorizations that may be required for the activity. Please refer to the specific section(s) dealing with that portion of the review below for advice on how to proceed.

## 1. Regulatory Review –Verified

Based on the information submitted, the Department has determined that the removal of a road through wetlands in order to reestablish a hydrologic connection is exempt, under Section 373.406(6) of the Florida Statutes, from the need to obtain a regulatory permit under Part IV of Chapter 373 of the Florida Statutes. This determination is made because the activity, in consideration of its type, size, nature, location, use, and operation, is expected to have only minimal or insignificant individual or cumulative adverse impacts on the water resources.

This exemption verification is based on the information you provided the Department and the statutes and rules in effect when the information was submitted. This verification may not be valid if site conditions materially change, the project design is modified, or the statutes or rules governing the exempt activity are amended. In the event you need to re-verify the exempt status for the activity, a new request and verification fee will be required. Any substantial modifications to the project design should be submitted to the Department for review, as changes may result in a permit being required.

## **2. Proprietary Review - Not required**

The activity does not appear to be located on sovereign submerged lands, and does not require further authorization under chapter 253 of the Florida Statutes, or chapters 18-20 or 18-21 of the Florida Administrative Code.

## **3. Federal Review -SPGP Not Approved**

Your proposed activity as outlined on your application and attached drawings **does not qualify** for Federal authorization pursuant to the State Programmatic General Permit and a **SEPARATE permit** or authorization **may be required** from the Corps. A copy of your permit application has been forwarded to the Corps for their review. The Corps will issue their authorization directly to you or contact you if additional information is needed. If you have not heard from the Corps within 30 days from the date your application was received at the local FDEP Office, contact the Corps at the Panama City Regulatory Office at 850-763-0717, for status and further information. **Failure to obtain Corps authorization prior to construction could subject you to federal enforcement action by that agency.**

Authority for review - an agreement with the USACOE entitled “Coordination Agreement Between the U. S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection, or Duly Authorized Designee, State Programmatic General Permit”, Section 10 of the Rivers and Harbor Act of 1899, and Section 404 of the Clean Water Act.

## **Additional Information**

Please retain this letter. The activities may be inspected by authorized state personnel in the future to ensure compliance with appropriate statutes and administrative codes. If the activities are not in compliance, you may be subject to penalties under Chapter 373, F.S., and Chapter 18-14, F.A.C.

## **NOTICE OF RIGHTS**

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is

designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice.

#### Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57, Florida Statutes. Pursuant to rule 28-106.201, Florida Administrative Code, a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, any email address, any facsimile number, and telephone number of the petitioner; 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; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000 or at [Agency\\_Clerk@dep.state.fl.us](mailto:Agency_Clerk@dep.state.fl.us). Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

#### Time Period for Filing a Petition

In accordance with rule 62-110.106(3), Florida Administrative Code, petitions for an administrative hearing by the applicant must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under section 120.60(3), Florida Statutes, must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. Under section 120.60(3), Florida Statutes, however, any person who has asked the Department for notice of agency action may file a petition within 21 days of receipt of such notice, regardless of the date of publication. The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57, Florida Statutes, or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another

party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with rule 28-106.205, Florida Administrative Code.

#### Extension of Time

Under rule 62-110.106(4), Florida Administrative Code, a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

#### Mediation

Mediation is not available in this proceeding.

#### FLAWAC Review

The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when the order is filed with the Clerk of the Department.

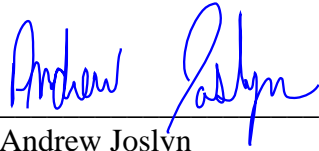
#### Judicial Review

Any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida 32399-3000; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date this action is filed with the Clerk of the Department.

Thank you for applying to the Submerged Lands and Environmental Resource Permit Program. If you have any questions regarding this matter, please contact Jared Searcy at the letterhead address or at (850) 245-7625 or via email at [Jared.Searcy@dep.state.fl.us](mailto:Jared.Searcy@dep.state.fl.us).

Executed in Escambia County, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



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Andrew Joslyn  
Permitting Program Administrator

Attachments:  
Section 373.406(6), F.S.  
Project Drawings, 9 pages

**cc:**

Susanna Maxwell, USACE, [Susanna.R.Maxwell@usace.army.mil](mailto:Susanna.R.Maxwell@usace.army.mil)

### CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this determination, including all copies, was mailed before the close of business on July 25, 2016, to the above listed persons.

### FILING AND ACKNOWLEDGMENT

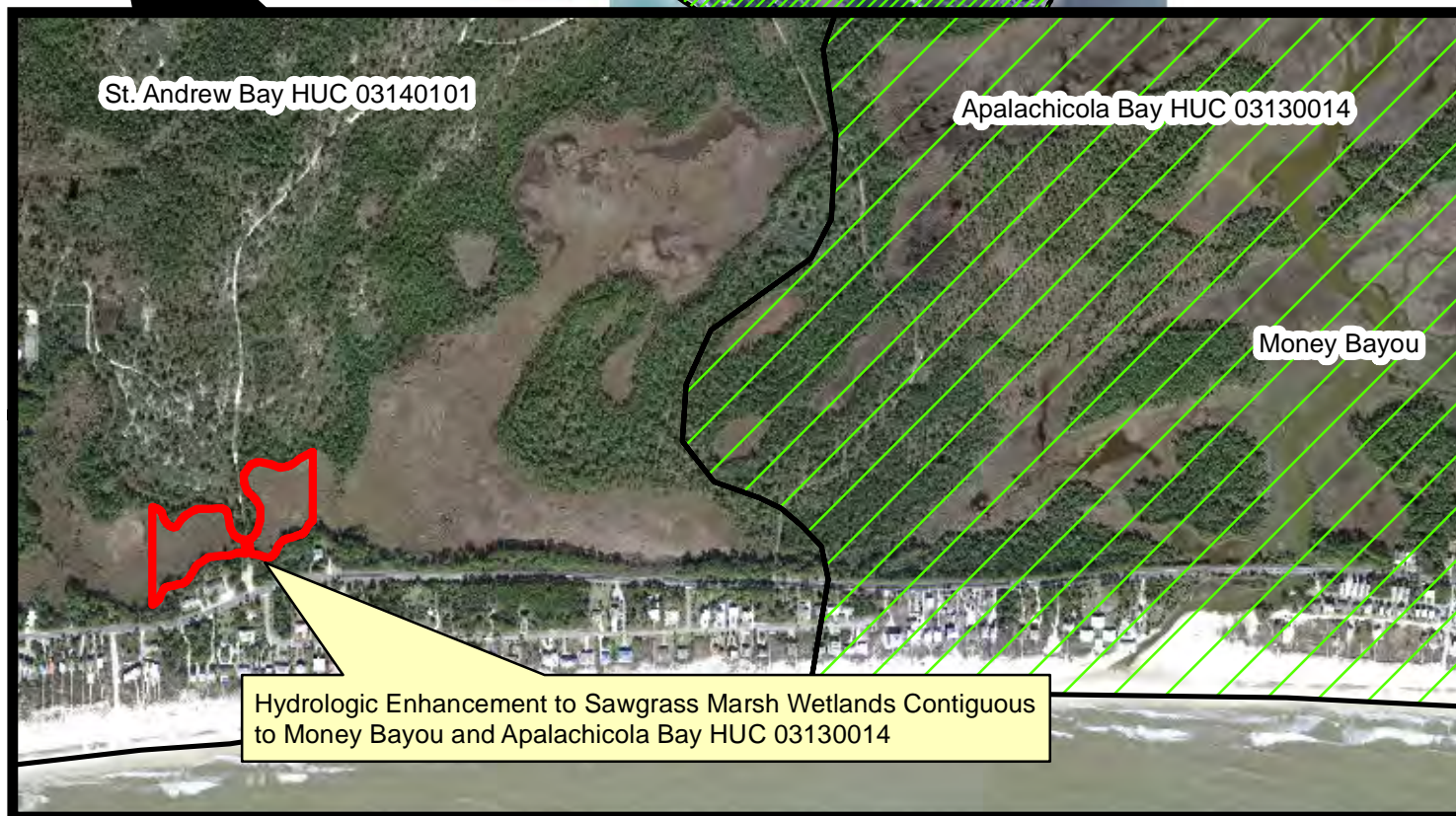
FILED, on this date, pursuant to 120.52(7),  
Florida Statutes, with the designated Department Clerk,  
receipt of which is hereby acknowledged.

Clerk  Date July 25, 2016

Section 373.406(6), F.S.

(6) Any district or the department may exempt from regulation under this part those activities that the district or department determines will have only minimal or insignificant individual or cumulative adverse impacts on the water resources of the district. The district and the department are authorized to determine, on a case-by-case basis, whether a specific activity comes within this exemption. Requests to qualify for this exemption shall be submitted in writing to the district or department, and such activities shall not be commenced without a written determination from the district or department confirming that the activity qualifies for the exemption.

# SR 300 Multiuse Path and Proposed Mitigation at St. Joseph Bay State Buffer Preserve



0 2 4 Miles

2013 DOQ



# Southgate / Sandridge Road - Wetland Hydrologic Enhancement Polygons



2013 DOQ

0

250

500

Feet



**Wetland Hydrologic Enhancement Polygons (~6.49 acres)**

# Southgate / Sandridge Road - Ground Photos (11/12/2015)

3 of 9 7/22/16  
23-0333961-002-EE



2013 DOQ

0

250

500

Feet



# Southgate / Sandridge Road Hydrologic Enhancement - NRCS Soils

Mandarin Fine Sand (Non-hydric)

Leon Fine Sand (Non-hydric)

Maurepas Muck  
Frequently Flooded  
(Hydric)

Maurepas Muck  
Frequently Flooded  
(Hydric)

Corolla-Duckston Complex  
Gently Undulating, Flooded  
(Hydric)

Location of Proposed  
Low-Water-Crossing

Kureb-Corolla Complex  
Rolling (Hydric)

30A


 Hydrologic Enhancement Polygon (~6.49 acres)

0 250 500 Feet



# Southgate / Sandridge Road Hydrologic Enhancement - 2013 DOQ



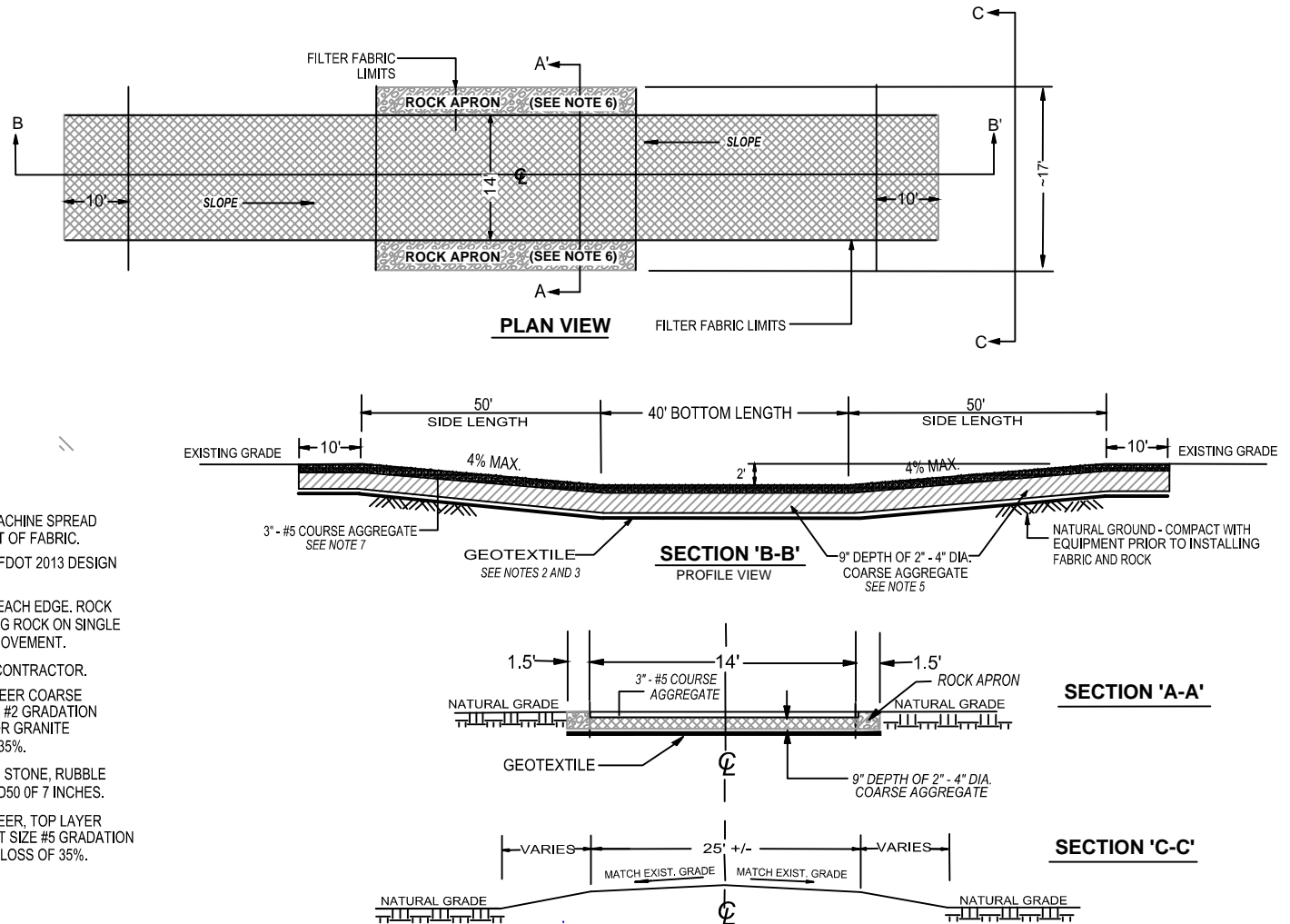
 Hydrologic Enhancement Area (~6.49 acres)

0 500 1,000  
Feet



## TYPICAL HARDENED LOW WATER CROSSING DETAIL

(NOT TO SCALE)



### NOTES:

1. LIMESTONE SHALL BE TRUCK DUMPED AND MACHINE SPREAD OVER THE FABRIC FOLLOWING PLACEMENT OF FABRIC.
2. GEOTEXTILE FABRIC SHALL CONFORM TO FDOT 2013 DESIGN STANDARDS INDEX 501, USAGE 3.
3. MINIMUM FABRIC OVERLAP SHALL BE 6" ON EACH EDGE. ROCK SHALL BE PLACED ON LAP PRIOR TO PLACING ROCK ON SINGLE LAYERS OF FABRIC TO PREVENT LATERAL MOVEMENT.
4. ALL MATERIALS TO BE PROVIDED BY THE CONTRACTOR.
5. UNLESS OTHERWISE APPROVED BY ENGINEER COARSE AGGREGATE SHALL MEET FDOT SIZE #1 OR #2 GRADATION (~2"-4" DIA.) AND CONSIST OF LIMESTONE OR GRANITE WITH A MAXIMUM L. A. ABRASION LOSS OF 35%.
6. ROCK APRON SHALL CONSIST OF BEDDING STONE, RUBBLE OR COBBLES IN THE 6" TO 8" RANGE WITH A D50 OF 7 INCHES.
7. UNLESS OTHERWISE APPROVED BY ENGINEER, TOP LAYER OF COARSE AGGREGATE SHALL MEET FDOT SIZE #5 GRADATION (SEC. 901) WITH A MAXIMUM L.A. ABRASION LOSS OF 35%.

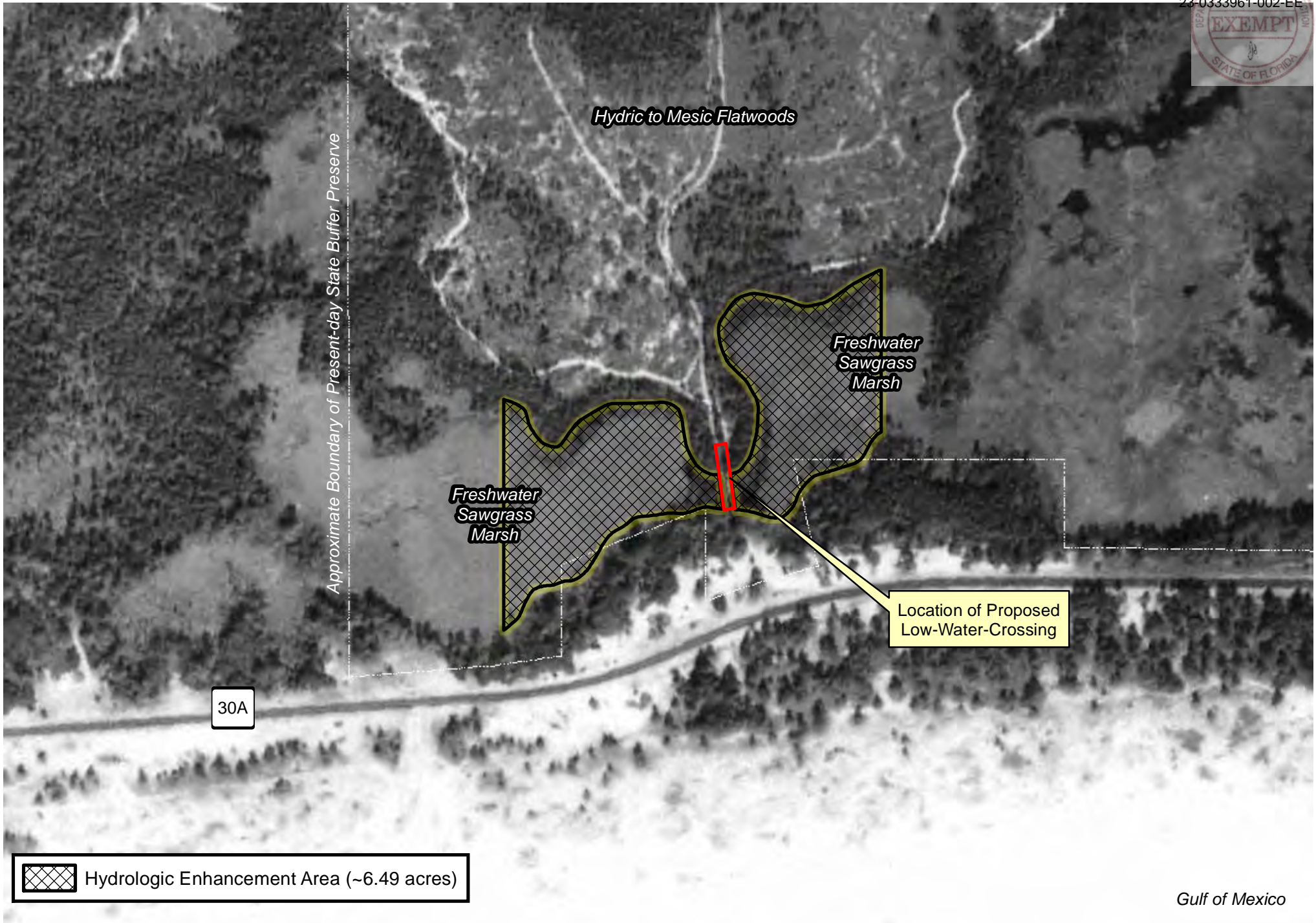
## SOUTHGATE ROAD HYDROLOGIC ENHANCEMENTS LOW WATER CROSSING DETAIL

DATE : 7-21-16


NOT TO SCALE

SHEET 1 OF 1

# Southgate / Sandridge Road Hydrologic Enhancement - 1953 B&W Aerial



30A

 Hydrologic Enhancement Area (~6.49 acres)

0 500 1,000 Feet



Gulf of Mexico

# Southgate / Sandridge Road Hydrologic Enhancement - 1942 B&W Aerial\*




Approximate Boundary of Present-day State Buffer Preserve

*Hydric to Mesic Flatwoods*

*Freshwater  
Sawgrass  
Marsh*

*Freshwater  
Sawgrass  
Marsh*

Location of Proposed  
Low-Water-Crossing

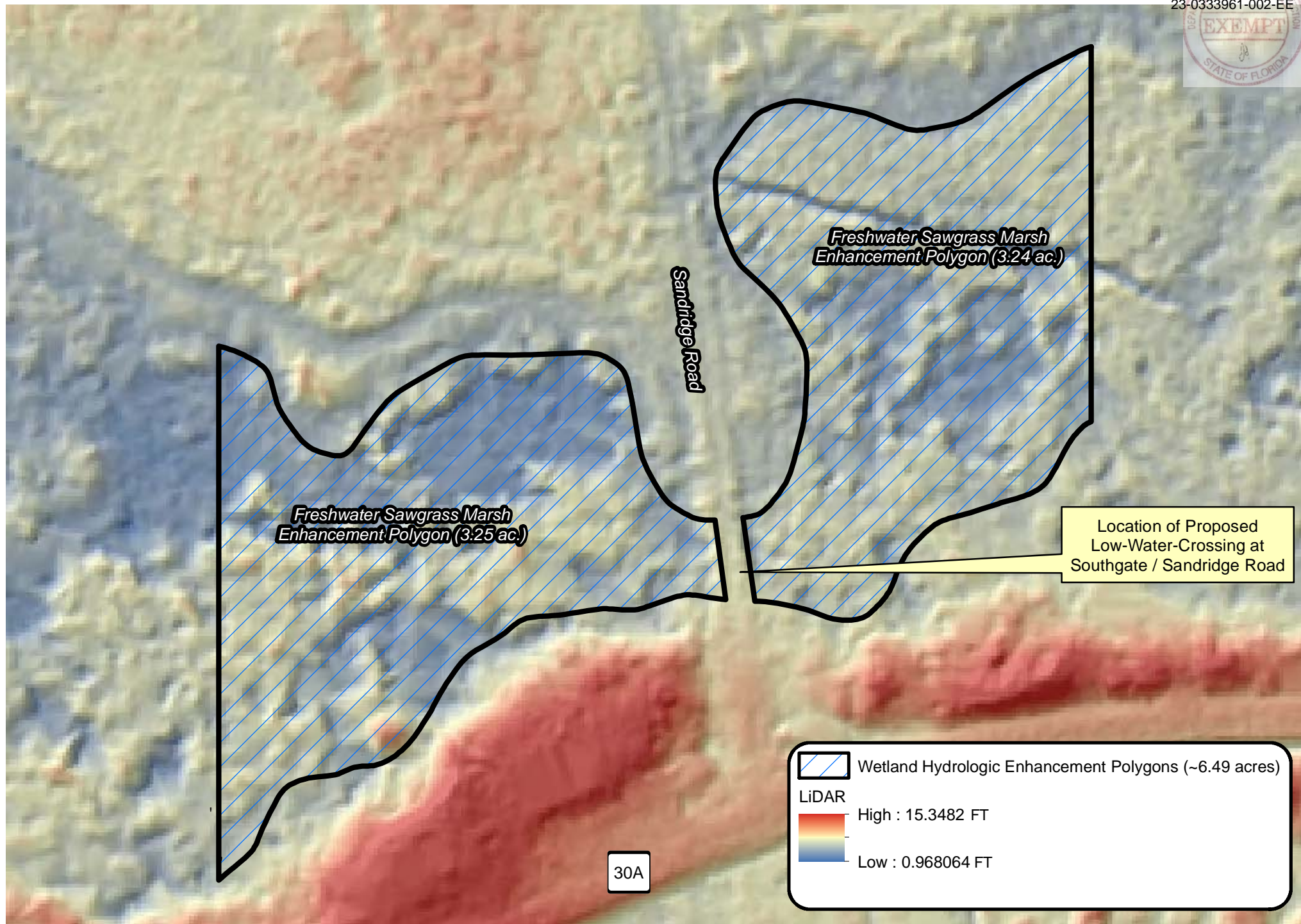
 Hydrologic Enhancement Area (~6.49 acres)

\*Detail from 1942 photo mosaic; higher resolution image not available.

0 1,000 2,000 Feet



# Southgate / Sandridge Road - LiDAR



0 250 500 Feet

