



# Florida Department of Environmental Protection

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

Rick Scott  
Governor

Carlos Lopez-Cantera  
Lt. Governor

Noah Valenstein  
Secretary

May 17, 2018

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

File No.: 0364249-001-EE/17, Escambia County

Dear Mr. Lide:

On May 7, 2018, we received your request for verification of exemption to perform the following activities:

To construct a low-water crossing on an existing dirt access road to enhance hydrologic connections within unnamed wetlands adjacent to Salters Lake, Class III Florida Waters, Unclassified Shellfish Harvesting Area. The project is located at on Salters Lake Road, Parcel ID# 175N301001000000, Century, Florida 32535, Section 17, Township 05 North, Range 30 West in Escambia County; 30°56'44.4301" North Latitude, 87°15'59.5987" West Longitude.

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 dealing with that portion of the review below for advice on how to proceed.

If you change the project from what you submitted, the authorization(s) granted may no longer be valid at the time of commencement of the project. Please contact us prior to beginning your project if you wish to make any changes.

### **1. Regulatory Review – Verified**

Based on the information submitted, the Department has determined that the construction of a low-water crossing is exempt under Section 373.406(6) of the Florida Statutes (F.S.) 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 Chapters 253 or 258, F.S. or Chapters 18-20 or 18-21, F.A.C.

### **3. Federal Review – 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 **shall be required** from the U.S. Army Corps of Engineers (Corps). You must apply separately to the Corps using the federal application form (ENG 4345). More information about Corps permitting may be found online in the Jacksonville District Regulatory Division Sourcebook. **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 Corps 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 hearing process may result in a modification of the agency action or even denial of the application.

#### 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, F.S. Pursuant to Rules 28-106.201 and 28-106.301, F.A.C., 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, 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 via electronic correspondence 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), F.A.C., petitions for an administrative hearing by the applicant and persons entitled to written notice under Section 120.60(3), F.S., 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), F.S., must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. 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, F.S. 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, F.A.C.

### Extension of Time

Under Rule 62-110.106(4), F.A.C., 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, or via electronic correspondence at Agency\_Clerk@dep.state.fl.us, before the 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 this order is filed with the Clerk of the Department.

### Judicial Review

Once this decision becomes final, 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 Florida Rules of Appellate Procedure 9.110 and 9.190 with the Clerk of the Department in the Office of General Counsel (Station #35, 3900 Commonwealth Boulevard, 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 must be filed within 30 days from the date this action is filed with the Clerk of the Department.

If you have any questions regarding this matter, please contact Wade Dandridge at the letterhead address, at (850)595-0655, or at [Wade.Dandridge@dep.state.fl.us](mailto:Wade.Dandridge@dep.state.fl.us)

**EXECUTION AND CLERKING**

Executed in Orlando, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



---

For Kimberly R. Allen  
Permitting Program Administrator

KRA/wd

**Attachments:**

Project Drawings, 4 pages  
Section 373.406(6), F.S., 1 page

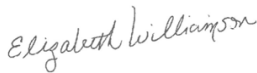
**CERTIFICATE OF SERVICE**

The undersigned duly designated deputy clerk hereby certifies that this document and all attachments were sent on the filing date below to the following listed persons:

U.S. Army Corps of Engineers, [terry.s.hayes@usace.army.mil](mailto:terry.s.hayes@usace.army.mil), [terry.e.wells@usace.army.mil](mailto:terry.e.wells@usace.army.mil)

**FILING AND ACKNOWLEDGMENT**

FILED, on this date, pursuant to Section 120.52, F.S., with the designated Department Clerk, receipt of which is hereby acknowledged.



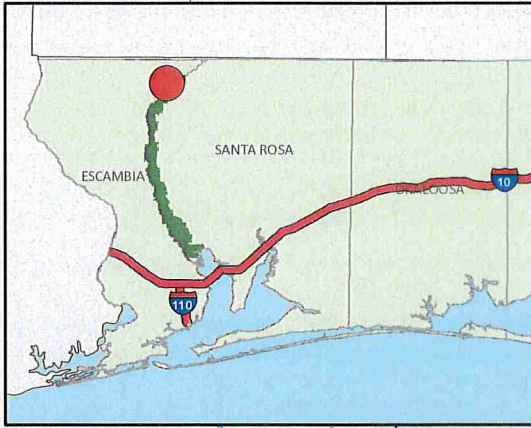
---

**Clerk**

May 17, 2018

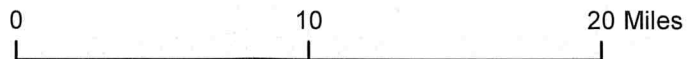
**Date**

Exhibit Map A



General Location Map  
Salters Lake Low-Water-Crossing  
Escambia River Water Management Area  
Escambia County, Florida

 District Lands



# TOWN OF CENTURY, FL



29

Salters Lake Road

Wiggins Branch

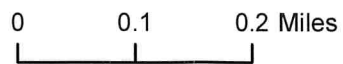
Railroad

Salters Lake

Project Location  
(1.4 Miles from US 29)

 District Lands

Salters Lake Low-Water-Crossing  
Escambia River Water Management Area  
Section 17, Township 5N, Range 30W  
Escambia County, Florida



# Salters Lake Low-Water-Crossing



3/4  
0364249-001-EE/17  
EXEMPT  
1795  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
STATE OF FLORIDA

140 FT x 10 FT Footprint in Existing Road  
(13 FT Wide at Blockage to Accommodate  
1.5 FT Wide Rock Shoulders)

**Low-Water-Crossing (Planned)**

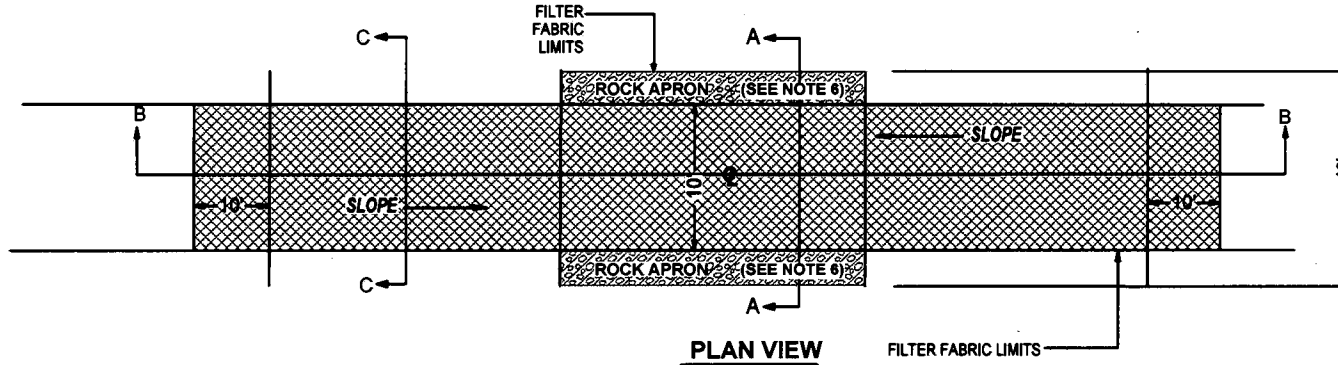
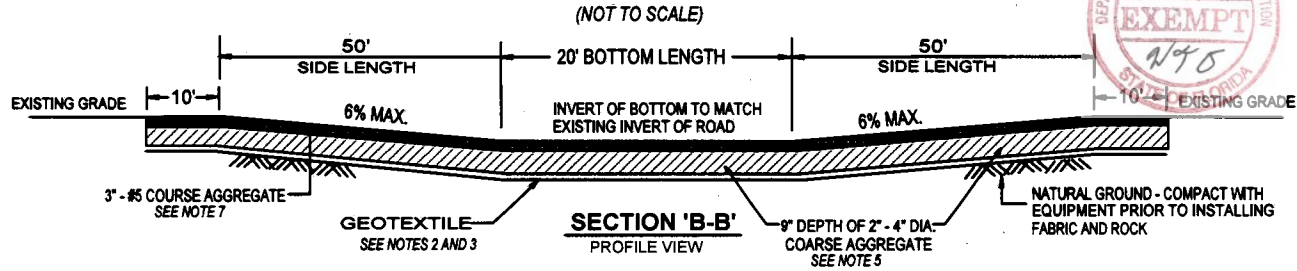
- Blockage
- Approaches
- Existing Road
- Slough





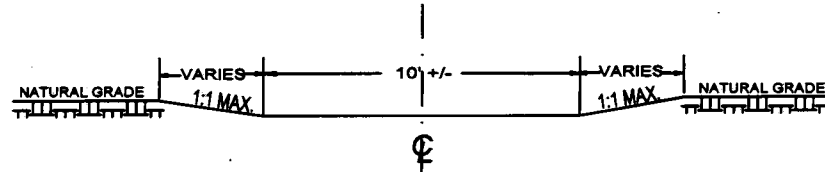
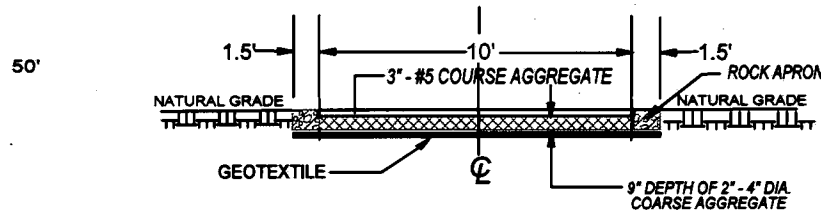
# TYPICAL HARDENED LOW WATER CROSSING DETAIL

4/4  
0364249-001-EE/17  
EXEMPT  
295  
FLORIDA



## NOTES:

1. LIMEROCK 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 COURSE AGGREGATE SHALL MEET FDOT SIZE #5 GRADATION (SEC. 901) WITH A MAXIMUM L. A. ABRASION LOSS OF 35%.



## SALTERS LAKE ROAD HYDROLOGIC ENHANCEMENTS LOW WATER CROSSING DETAIL

DATE : 4-23-18

NOT TO SCALE

SHEET 1 OF 1

373.406 Exemptions.—The following exemptions shall apply:

(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.