

DEPARTMENT OF THE ARMY

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

January 24, 2014

REPLY TO ATTENTION OF

North Permits Branch Panama City Permits Section SAJ-2013-01967 (SP-MMW)

Florida Department of Transportation – District 3 Attn: Ms. Joy Swanson, Permit Coordinator 1074 Highway 90 East Chipley, Florida 32428

Dear Ms. Swanson:

The U.S. Army Corps of Engineers (Corps) has completed the review and evaluation of your Department of the Army permit application, number SAJ-2013-01967(SP-MMW). Our regulations require that you have an opportunity to review the terms and conditions prior to final signature by the Department of the Army. Enclosed is an unsigned Department of the Army permit instrument (permit).

Please read carefully the Special Conditions beginning on page 2 of the permit. These were developed to apply specifically to your project. Water Quality Certification is also required prior to issuance of a permit. The Corps has received a copy of the State of Florida certification for your project. In accordance with General Condition 5 of the permit, any special conditions of the Water Quality Certification have been attached to the Department of the Army permit.

Instructions for Objecting to Permit Terms and Conditions: This letter contains an initial proffered permit for your proposed project. If you object to certain terms and conditions contained within the permit, you may request that the permit be modified. Enclosed you will find a Notification of Administrative Appeal Options and Process fact sheet and Request for Appeal (RFA) form. If you choose to object to certain terms and conditions of the permit, you must follow the directions provided in Section 1, Part A and submit the completed RFA form to the letterhead address.

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria under 33 CFR Part 331.5, and that it has been received by the District office within 60 days of the date of the RFA. Should you decide to submit an RFA form, it must be received at the letterhead address by March 25, 2014.

Instructions for Accepting Terms and Conditions and Finalizing Your Permit: It is not necessary to submit an RFA form to the District office, if you do not object to the decision in this letter. In this case, the permit must be signed by the applicant in the space provided on the signature page of the permit. In the case of corporations, acceptance must be by an officer of that corporation authorized to sign on behalf of the corporation. The party responsible for assuring the work is done in accordance with the permit terms and conditions must sign the permit. Please type or print the name and title of the person signing below the signature and the date signed.

SIGN AND RETURN THE PERMIT, IN ITS ENTIRETY, TO THE LETTERHEAD ADDRESS.

The permit will be signed by the District Engineer and returned to you. <u>It is important to note that the permit is not valid until the District Engineer signs it</u>.

The Corps Jacksonville District Regulatory Division is committed to improving service to our customers. We strive to perform our duty in a friendly and timely manner while working to preserve our environment. We invite you to take a few minutes to visit http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey and complete our automated Customer Service Survey. Your input is appreciated – favorable or otherwise. Please be aware this web address is case sensitive and should be entered as it appears above.

If you have any questions concerning this application, you may contact Melinda Witgenstein in writing at the letterhead address, by electronic mail at melinda.m.witgenstein@usace.army.mil, or by telephone at (850)763-0717, extension 24.

Sincerely,

for

Donald W. Kinard Chief, Regulatory Division

Melinda M. Wily

Enclosures

Copy Furnished: Melvin Engineering

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: FDOT District 3		File Number: SAJ-2013-01967	Date: 1-24-14
Attached is:			See Section below
Х	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)		Α
	PROFFERED PERMIT (Standard Permit or Letter of per	mission)	В
	PERMIT DENIAL		С
	APPROVED JURISDICTIONAL DETERMINATION		D
	PRELIMINARY JURISDICTIONAL DETERMINATION		E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://www.usace.army.mil/CECW/Pages/reg_materials.aspx or Corps regulations at 33 CFR Part 331. A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.
- B: PROFFERED PERMIT: You may accept or appeal the permit
- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.
- C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.
- D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.
- ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO		
REASONS FOR APPEAL OR OBJECTIONS: (Describe you initial proffered permit in clear concise statements. You may		
your reasons or objections are addressed in the administrativ		this form to clarify where
your rougerie or objections are addressed in the durining and	C 10001d.,	
ADDITIONAL INFORMATION: The appeal is limited to a revi	ew of the administrative record	. the Corps memorandum for
the record of the appeal conference or meeting, and any sup		
is needed to clarify the administrative record. Neither the app	bellant nor the Corps may add i	new information or analyses
to the record. However, you may provide additional information	on to clarify the location of info	rmation that is already in the
administrative record.		
POINT OF CONTACT FOR QUESTIONS OR INFORMATIO		
If you have questions regarding this decision and/or the	If you only have questions reg	arding the appeal process
appeal process you may contact:	you may also contact:	
Project Manager as noted in letter	for process: Stuart Santos 904-232-2018	
Project Manager as noted in letter	Stuart Santos 904-232-2016	'
RIGHT OF ENTRY: Your signature below grants the right of		
consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a		
15 day notice of any site investigation, and will have the opportunity		<u> </u>
	Date:	Telephone number:
Signature of appellant or agent		
Signature of appellant or agent.		

DEPARTMENT OF THE ARMY PERMIT

Permittee: Florida Department of Transportation - District 3

Attn: Ms. Joy Swanson, Permit Coordinator

1074 Highway 90 East Chipley, Florida 32428

Permit No: SAJ-2013-01967(SP-MMW)

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.

<u>Project Description</u>: To widen State Road 79 from County Road 279 to south of Cypress Springs Road from a two-lane undivided roadway to a four-lane divided roadway, with associated safety and stormwater improvements. The proposed stormwater system will collect and convey runoff to stormwater management facilities, via open ditch and piped systems. Permanent impacts to regulated waters total 0.995 acre, and temporary impacts will total 0.118 acre.

The work described above is to be completed in accordance with the 22 pages of drawings and 2 Attachments affixed at the end of this permit instrument.

<u>Project Location</u>: The project would affect waters of the United States associated with Becton Pond and Holmes Creek. The project site is located within the existing rights-of-way of State Road (SR) 79, from County Road (CR) 279 (Pate Pond Road) 1.8 miles north to Cypress Springs Road, near Vernon, Washington County, Florida.

<u>Directions to site</u>: From interstate 10, take exit 112 and turn south on SR 79 towards Vernon. The north end of the project is approximately 7.5 miles south of the SR-79/I-10 intersection, just south of Cypress Springs Road.

Approximate Central Coordinates: Latitude 30.6439

Longitude -85,7010

PERMITTEE: FDOT, District 3

PAGE 2 of 9

Permit Conditions

General Conditions:

- 1. The time limit for completing the work authorized ends on <u>22 January 2019</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 deerned 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, 41 North Jefferson

PERMITTEE: FDOT, District 3

PAGE 3 of 9

Street, Suite 301, Pensacola, FL 32502. The Permittee shall reference this permit number, SAJ-2013-01967 (SP-MMW), on all submittals.

2. Erosion Control: Prior to the initiation of any work authorized by this permit, the Permittee shall install erosion 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. The erosion control measures shall remain in place and be maintained until all authorized work has been completed and the site has been stabilized.

3. 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 and ground-disturbing activities within a 100-meter diameter of the discovery and notify the Corps within the same business day (8 hours). 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. Additional cultural resources assessments may be required of the permit area in the case of unanticipated discoveries as referenced in accordance with the above Special Condition; and 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 Part 325.7. Such activity shall not resume on non-federal lands without written authorization from the SHPO for finds under his or her jurisdiction, and from the Corps.
- **4. Mitigation Credit Purchase:** Within 30 days from the date of initiating the authorized work the Permittee shall provide verification to the Corps that 0.62 federal

PERMITTEE: FDOT. District 3

PAGE 4 of 9

WRAP mitigation bank credits have been purchased from the Sand Hill Lakes Mitigation Bank (SAJ-2002-05061). The required verification shall reference this project's permit number (SAJ-2013-01967).

- **5. Temporary Wetland Impacts:** Filter fabric shall be placed over the native soil prior to deposition of any fill material within the temporary access areas. Within 30 days from the date of completing the authorized work, the fill material shall be removed, and the contours, elevations, vegetation, and hydrology shall be restored to pre-construction conditions within the 0.118 acre temporary impact areas.
- **6. As-Builts:** Within 60 days of completion of the authorized work or at the expiration of the construction authorization 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 #1**) 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.
- 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 asbuilt 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.
- **7. Eastern Indigo Snake Protection Measures:** The Permittee shall comply with U.S. Fish and Wildlife Service's "Standard Protection Measures for the Eastern Indigo Snake" dated February 12, 2004 and provided in **Attachment #2** of this permit."
- **8. 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

PERMITTEE: FDOT, District 3

PAGE 5 of 9

contaminated with any toxic substance, in toxic amounts in accordance with Section 307 of the Clean Water Act.

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 the Panama City Regulatory Office.

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.
- 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.

PERMITTEE: FDOT, District 3

PAGE 6 of 9

- 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.

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.

PERMITTEE: FDOT, District 3

PAGE 7 of 9

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

(PERMITTEE)

(DATE)

(PERMITTEE NAME-PRINTED)

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, Colonel, U.S. Army District Commander 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)

(NAME-PRINTED)

(CITY, STATE, AND ZIP CODE)

PERMIT NUMBER: SAJ-2013-01967 (SP-MMW)

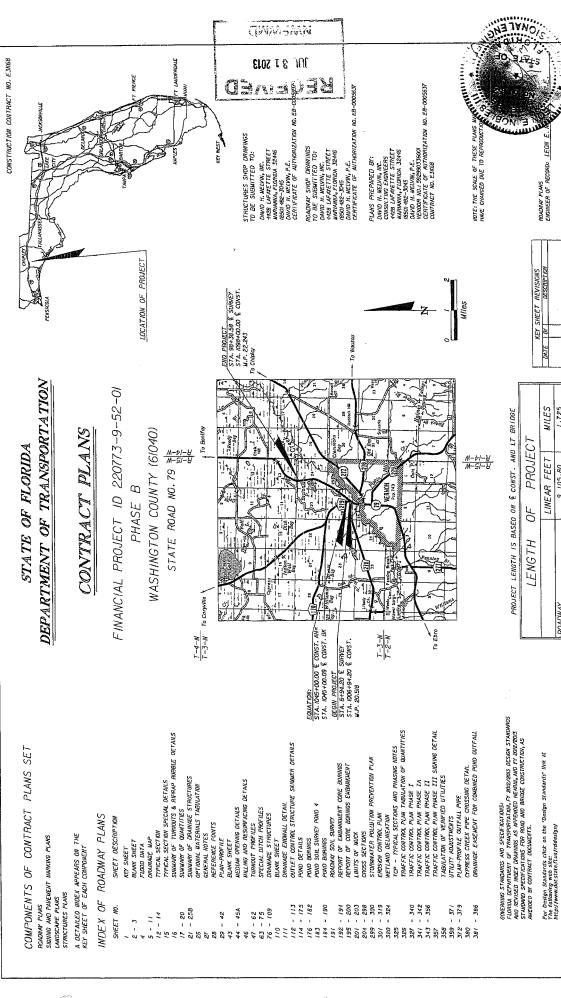
PERMITTEE: FDOT, District 3

PERMITTEE: FDOT, District 3

PAGE 9 of 9

Attachments to Department of the Army Permit Number SAJ-2013-01967 (SP-MMW)

- 1. PERMIT DRAWINGS: 22 pages, dated 9 January 2014
- 2. WATER QUALITY CERTIFICATION: Specific Conditions of the water quality permit/certification in accordance with General Condition number 5 on page 2 of this DA permit. 2 pages.
- 3. AS-BUILT CERTIFICATION FORM: 2 pages, labeled Attachment #1.
- 4. EASTERN INDIGO SNAKE CONDITIONS, labeled Attachment #2.



1.725 .725

9,105.80 9,105.80

LENGTH OF PROJECT

P.E. 110.: 51452

SHEET NO.

FISCAL YEAR Ŋ

SR 79 FROM CR 279 TO NORTH OF CYPRESS CREEK BRIDGE

FDOT PROJECT MANAGER: DEAN MITCHELL, P.E.

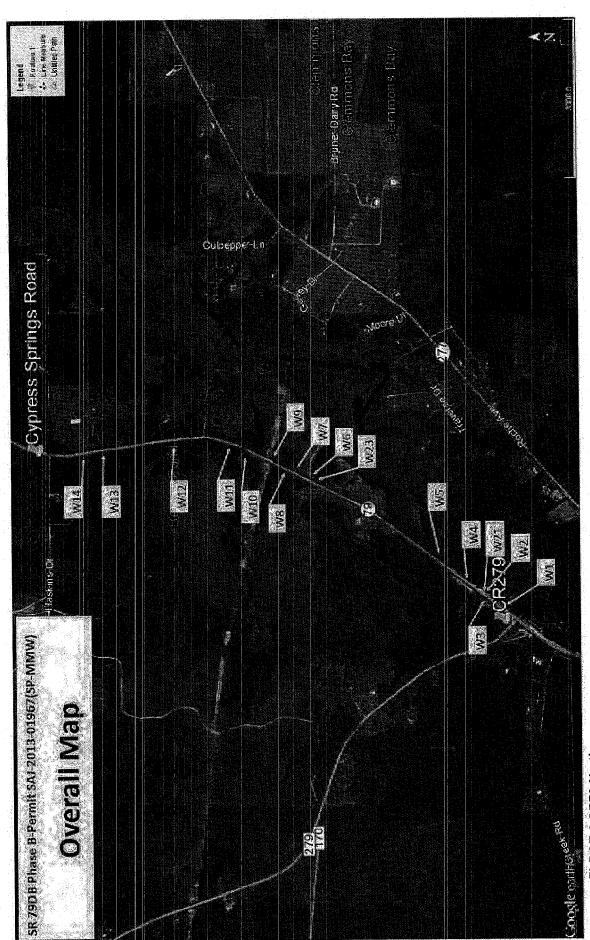
For the Standard Specifications for Road and Bridge Construction click on the "Specifications" link at the Following web site: http://www.dot.state.fl.us/specificationsoffice/

SAJ-2013-01967 (SP-MMW) Project Drawings Sheet 1 of 22

CR279 to Cypress Springs Road

FPN#2207739-52-01

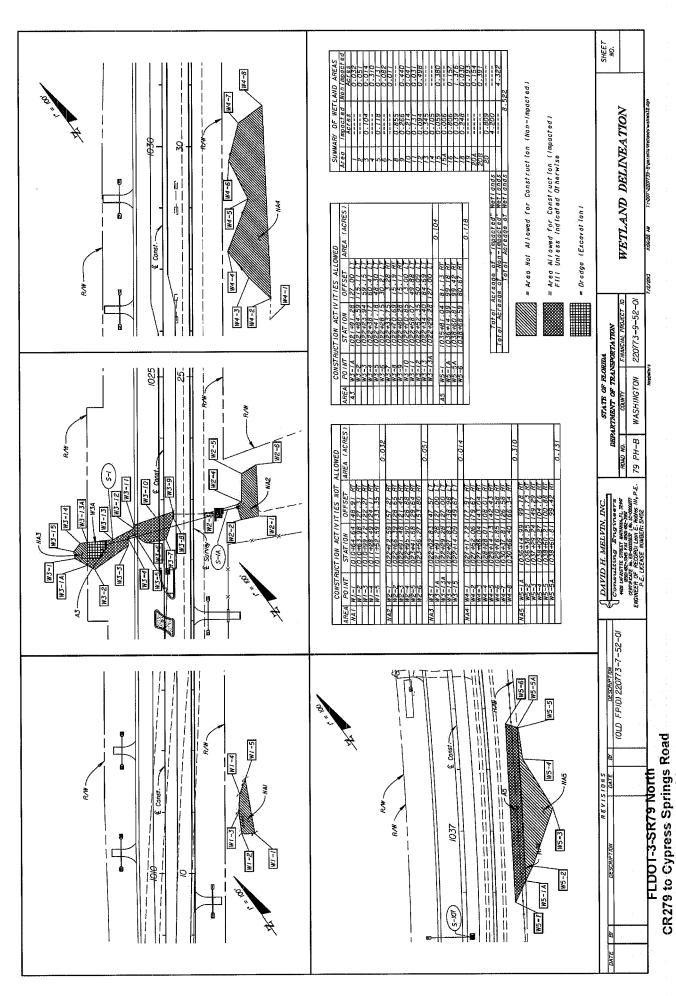
FLDOT-3-SR79 North



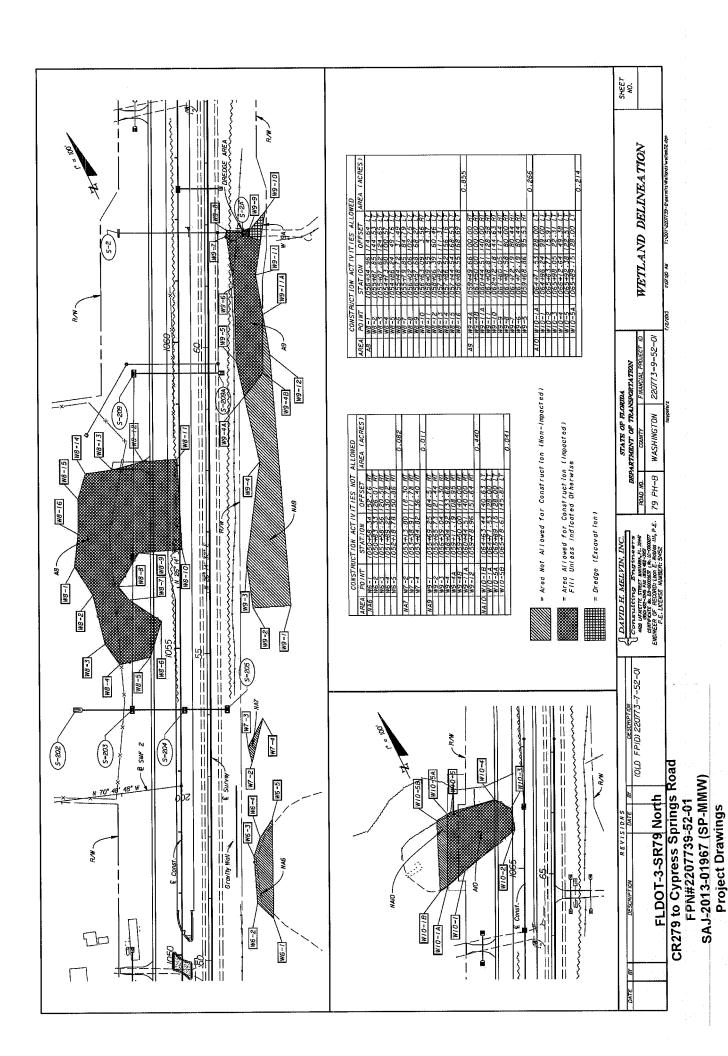
FLDOT-3-SR79 North CR279 to Cypress Springs Road FPN#2207739-52-01 SAJ-2013-01967 (SP-MMW) Project-Drawings Sheet 2 of 22 **EXHIBIT A: SR79DB Part B - Revised 9 January 2014**

WL & SW	WL & SW		
Ident-(FLUCCS)	Size onsite	PERMANENT IMPACTS	TEMPORARY IMPACTS
W1 (534)		0.0000	0.000
W2 (534)		0.0000	0.000
W21 (615)		0.0229	0.0000
W21A (615)		0.0026	0.000
W21 (615)		0.0135	0.0000
W3 (615)		0.0870	0.000
W3A (615)		0.0170	0.0000
W4-Isolated		Not regulated	0.000
W5-Isolated	0.1180	Not regulated	0.0000
W6		0.0000	0.000
W23 (630)		0.0250	0.000
W23 (630)		0.0060	0.0000
W7		0.0000	0.000
W8-Isolated	0.8550	Not regulated	0.000
W9 (640)		0.0000	0.1180
W9 (640)		0.0990	0.000
W9A (630)		0.0140	0.000
W9 (630)		0.0330	0.000
W10-Isolated	0.2140	Not regulated	0.0000
W11 (534-630)		0.1200	0.0000
W11A (534-630)		0.0110	0.0000
W12 (630)		0.0940	0.0000
W13 (630)		0.3450	0.000
W14		0.1050	0.000
TOTAL	1.187	0.9950	0.118

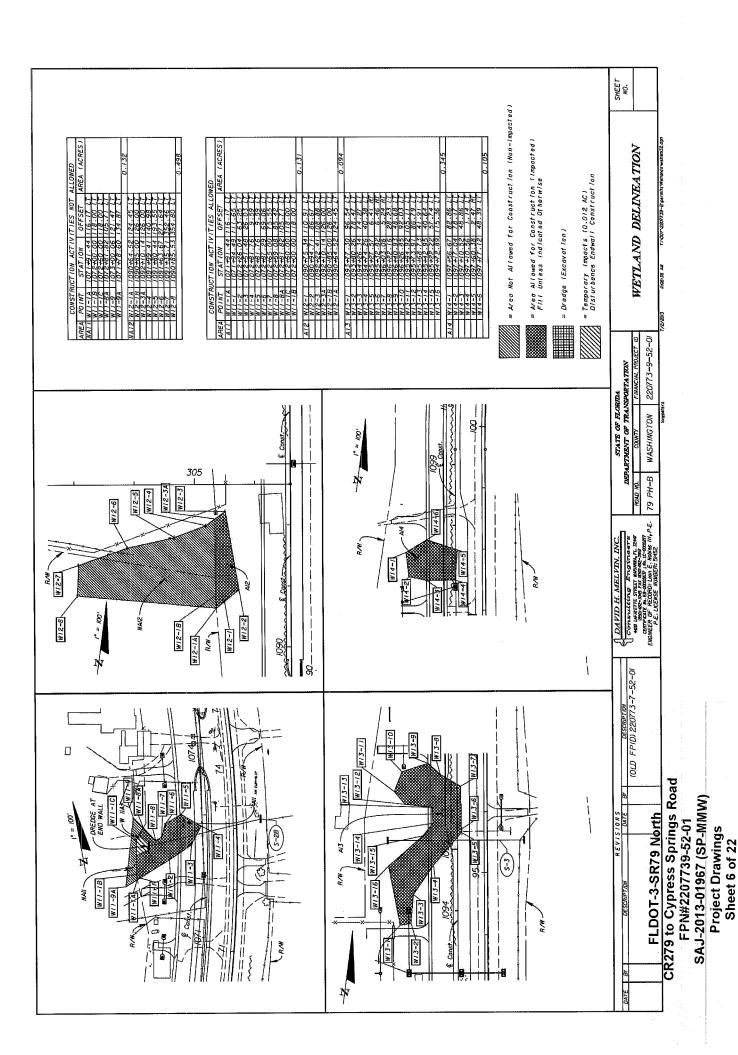
FLDOT-3-SR79 North CR279 to Cypress Springs Road FPN#2207739-52-01 SAJ-2013-01967 (SP-MMW) Project Drawings Sheet 3 of 22

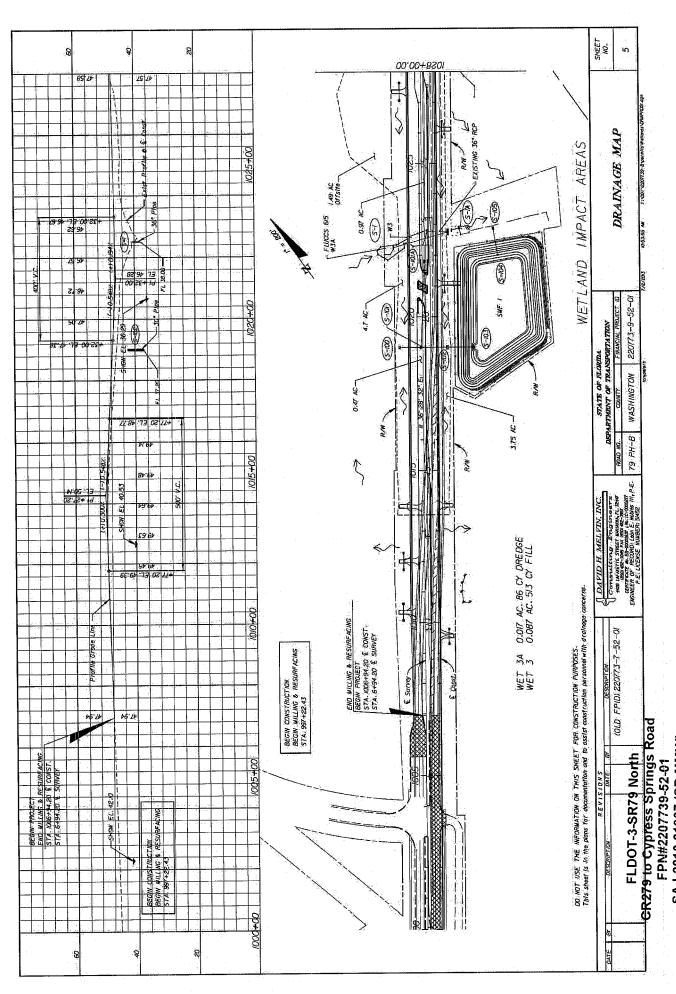


SAJ-2013-01967 (SP-MMW) Project Drawings Sheet 4 of 22



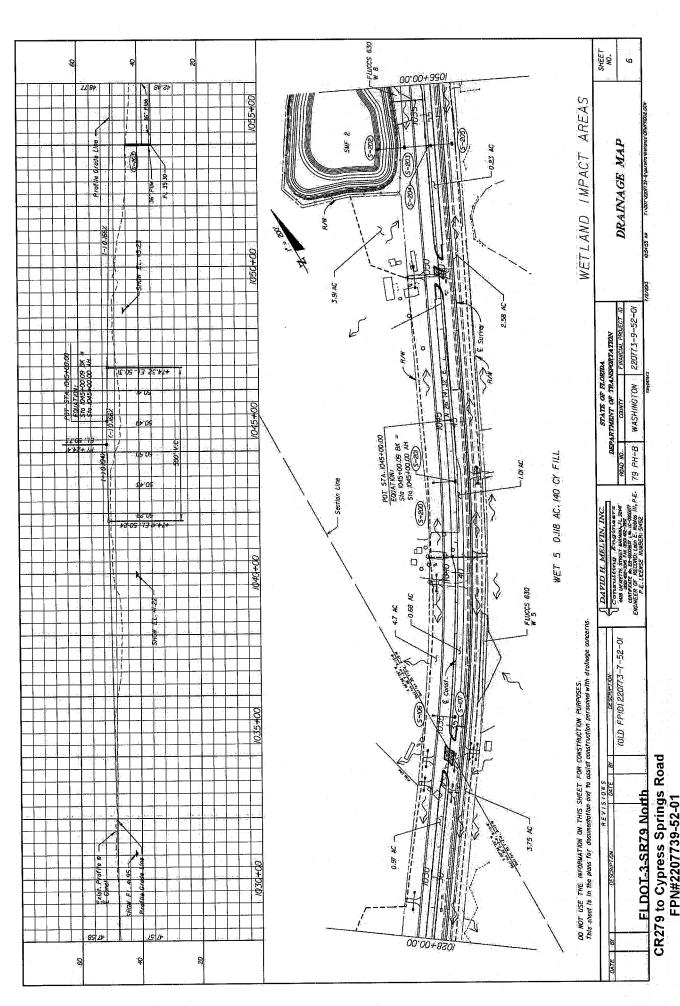
Sheet 5 of 22





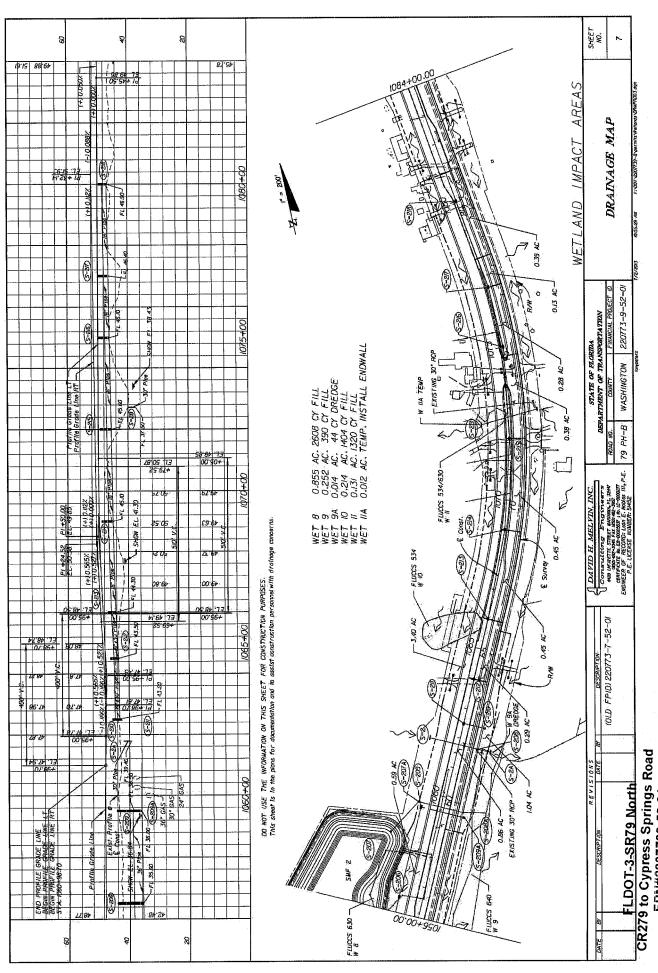
SAJ-2013-01967 (SP-MMW) **Project Drawings**

Sheet 7 of 22

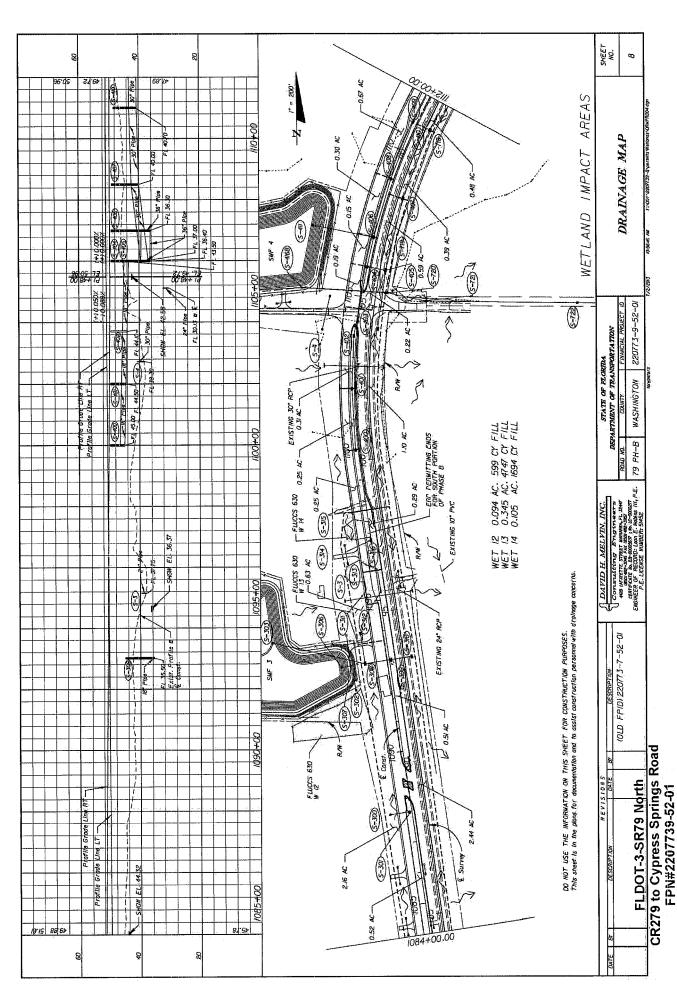


SAJ-2013-01967-(SP-MMW)

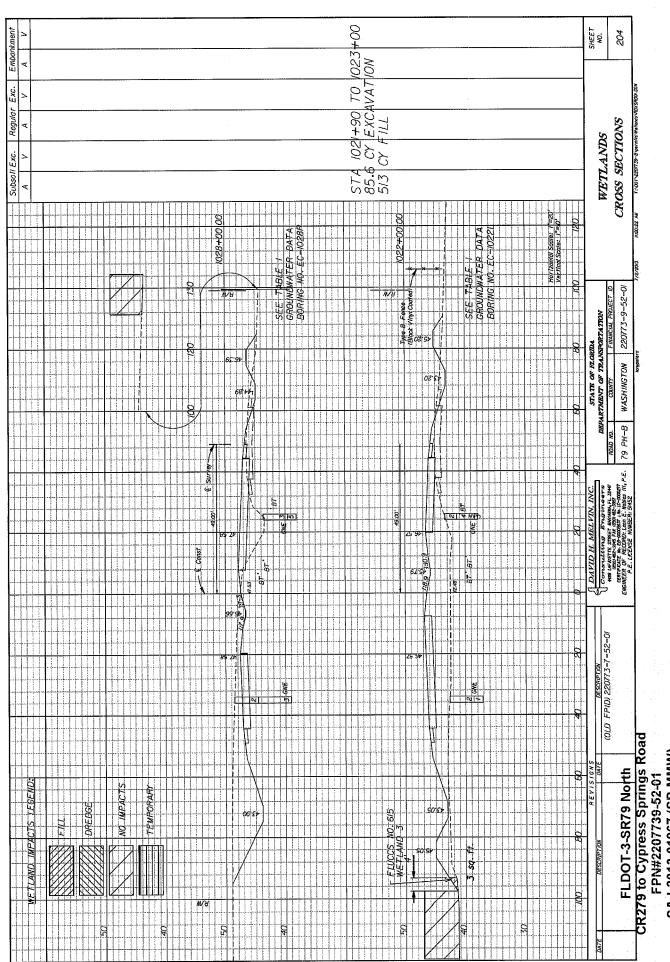
Project Drawings Sheet 8 of 22



SAJ-2013-01965 Springs Road FPN#2207739-52-01 SAJ-2013-01967 (SP-MMW) Project Drawings Sheet 9 of 22

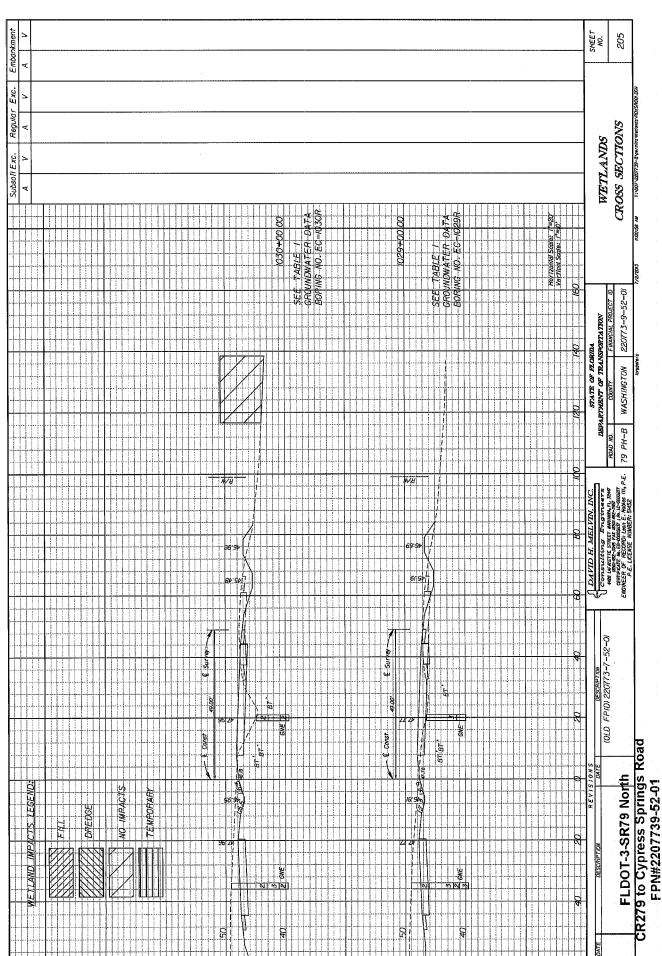


SAJ-2013-01967 (SP-MMW)
Project Drawings
Sheet 10 of 22

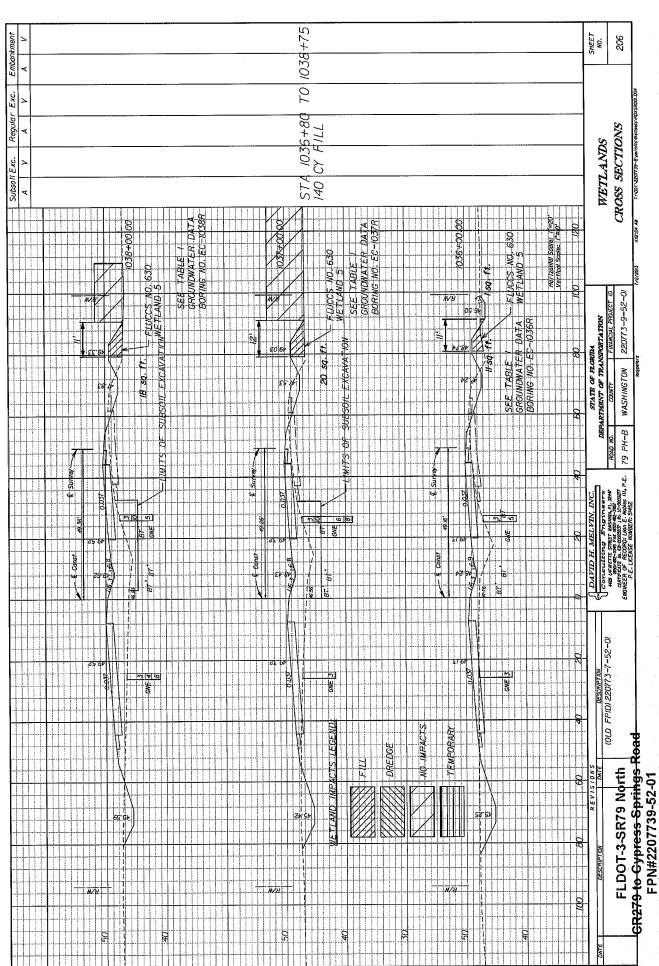


SAJ-2013-01967 (SP-MMW)

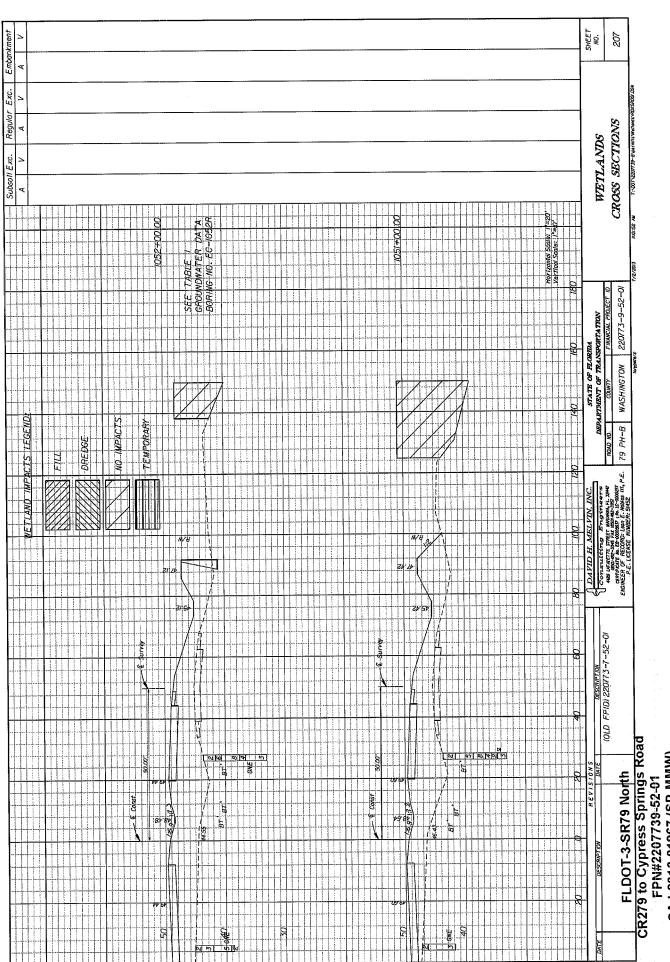
Project Drawings Sheet 11 of 22



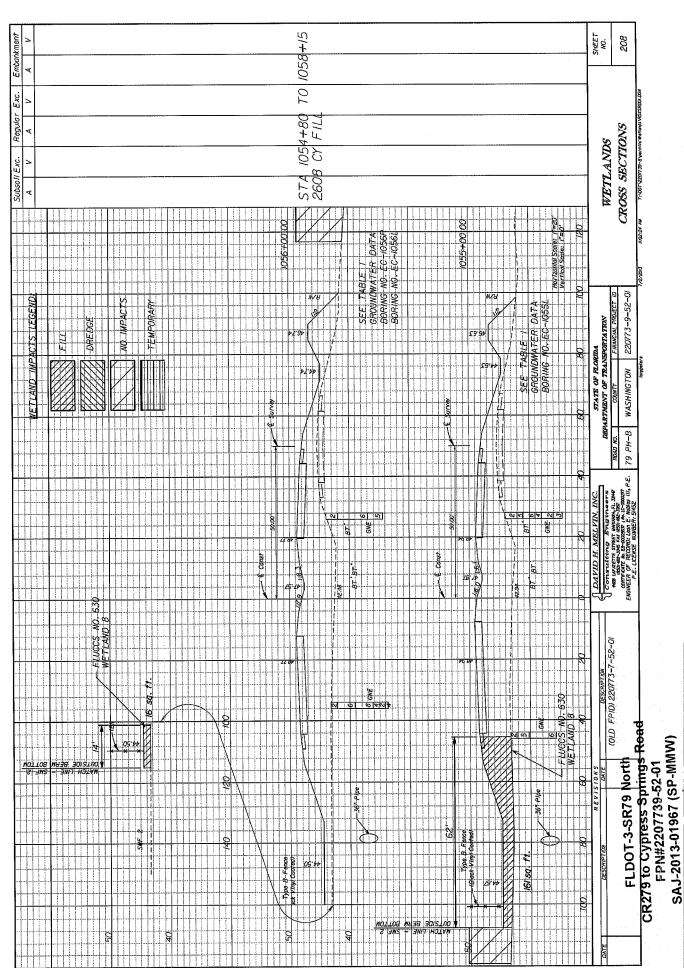
FPN#2207739-52-01 SAJ-2013-01967 (SP-MMW) Project Drawings Sheet 12 of 22



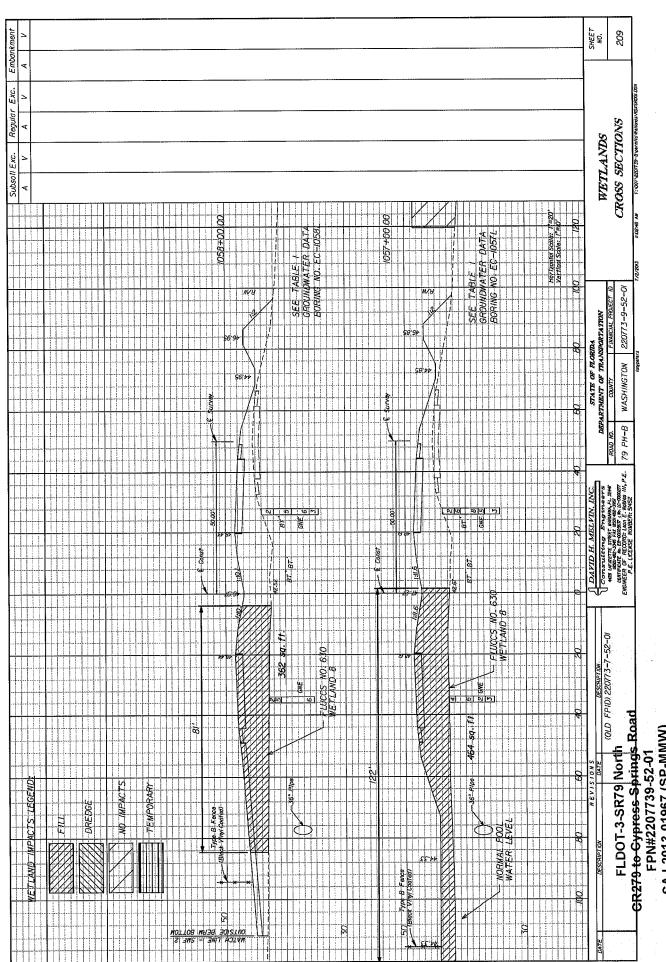
FPN#2207739-52-01 SAJ-2013-01967 (SP-MMW) Project Drawings Sheet 13 of 22



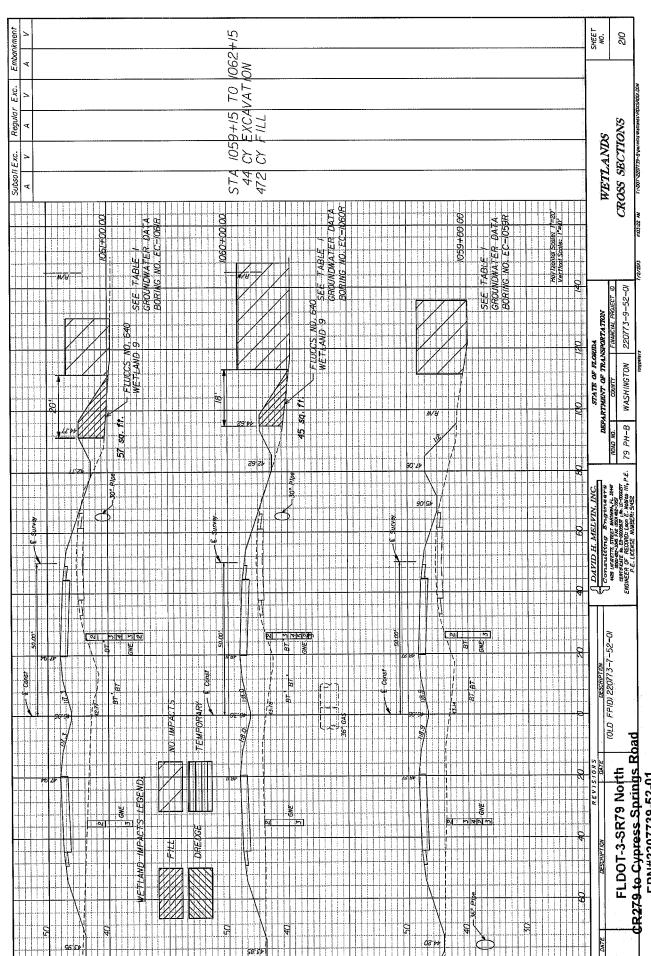
SAJ-2013-01967 (SP-MMW)
Project Drawings
Sheet 14 of 22



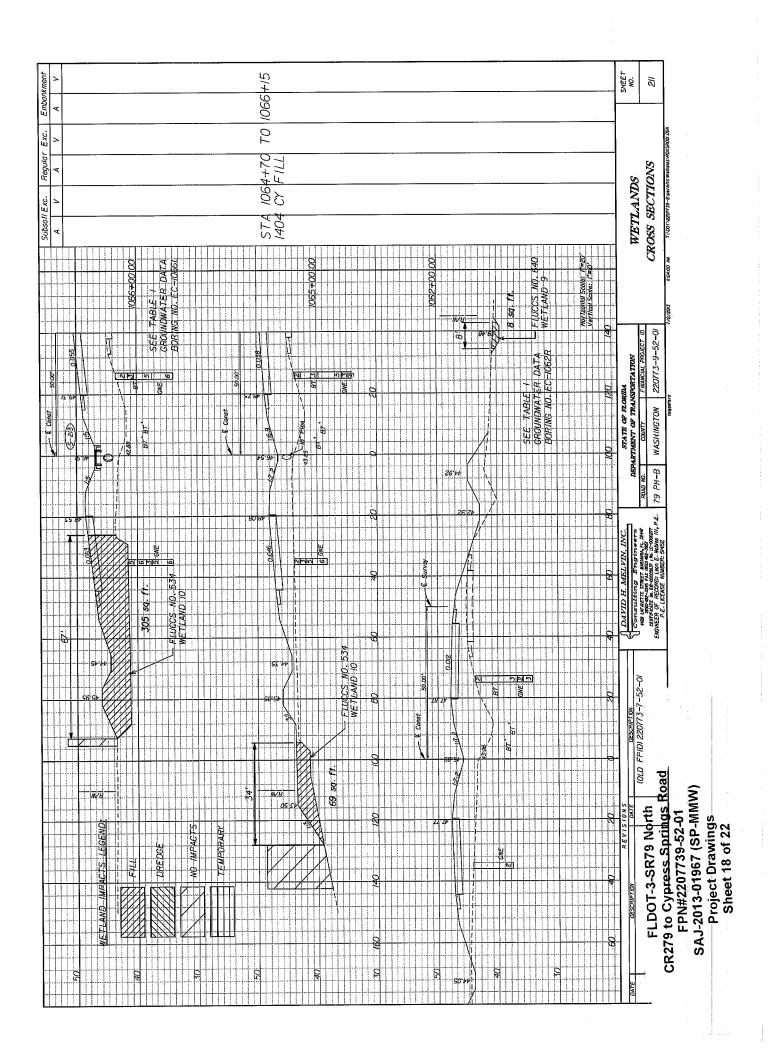
SAJ-2013-01307 (c) mms Project Drawings Sheet 15 of 22

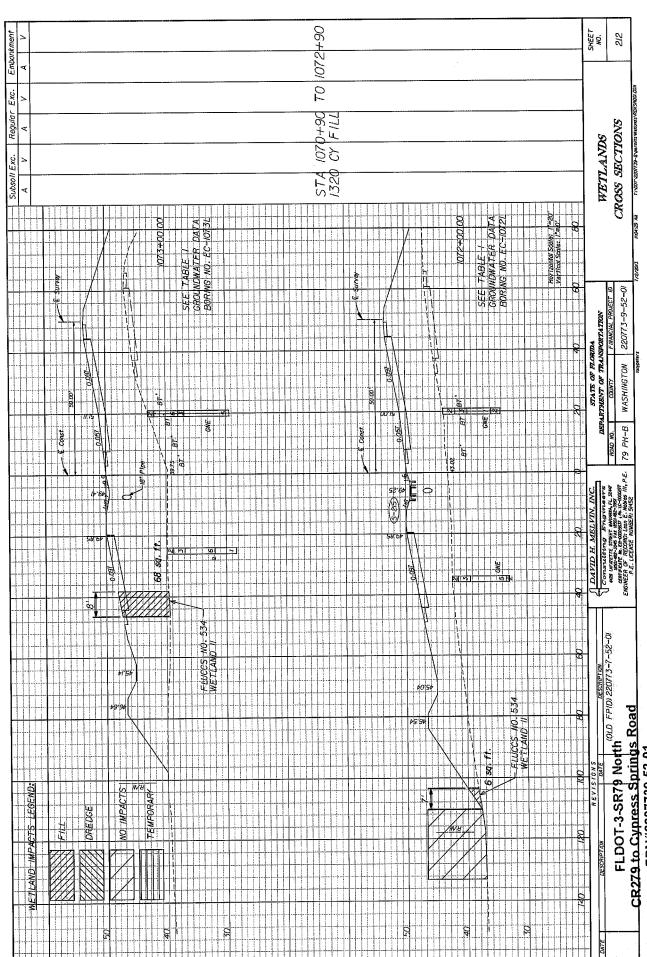


SAJ-2013-01967 (SP-MMW)
Project Drawings
Sheet 16 of 22

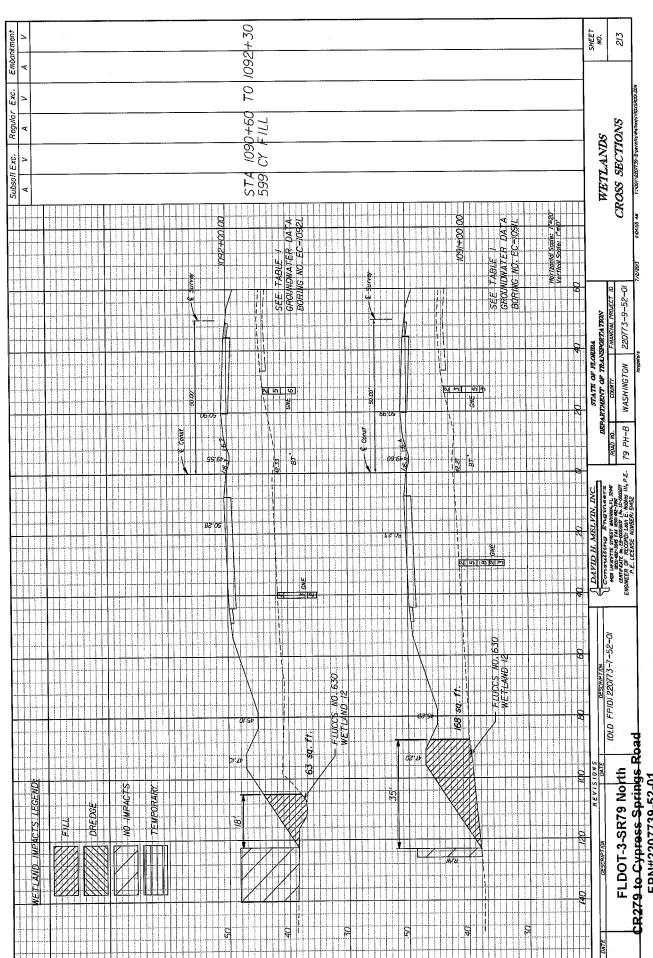


FPN#2207739-52-01 SAJ-2013-01967 (SP-MMW) Project Drawings Sheet 17 of 22

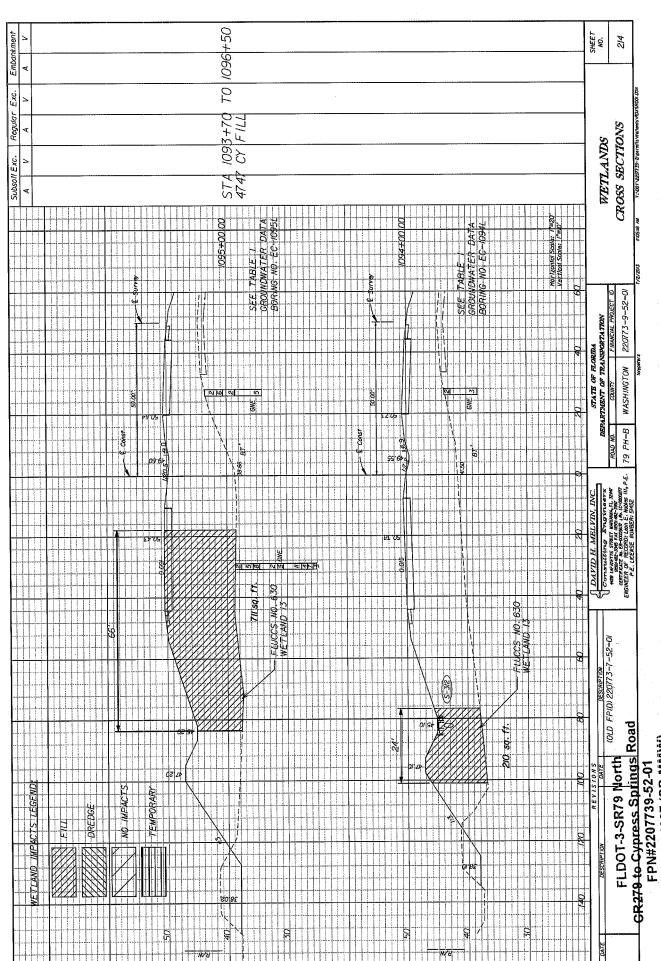




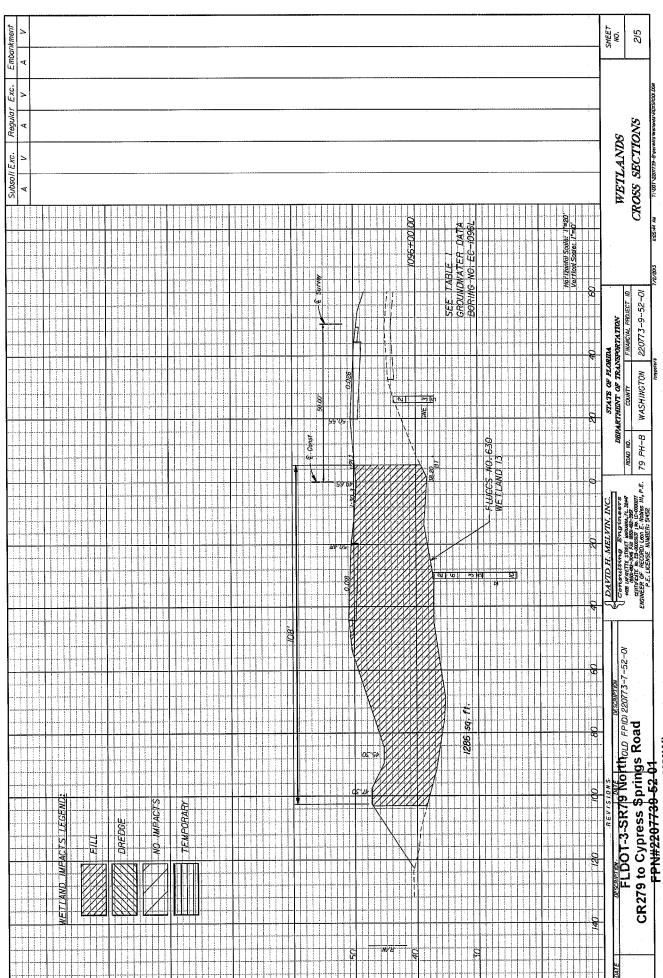
FPN#2207739-52-01 SAJ-2013-01967 (SP-MMW) Project Drawings Sheet 190f 22



FPN#2207739-52-01 SAJ-2013-01967 (SP-MMW) Project Drawings Sheet 20 of 22



FPN#2207739-52-01 SAJ-2013-01967 (SP-MMW) Project Drawings Sheet 21 of 22



SAJ-2013-01967 (SP-MMW)

Project Drawings Sheet 22 of 22

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, Enforcement Section, U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, 2833 NW 41st Street, Unit 130 Gainesville, FL 32606. If you have questions regarding this requirement, please contact the Enforcement Branch at 904-232-3131.

1. Department of the Army Permit Nu	mber: SAJ-2013-01967(SP-MN	MW)
2. Permittee Information:		
Name:		
Address:		
3. Project Site Identification (physical	location/address):	
Special Conditions to the permit, has be permit with any deviations noted below and conducted by me or by a project reas-built engineering drawings. Signature of Engineer	w. This determination is based ι	ipon on-site observation, scheduled,
(FL, PR, or VI) Reg. Number	Company Name	
City	State	ZIP
(Affix Seal)		
Data	Telephone Number	FLDOT-3-SR79 North
Date	rerephone Number	CR279 to Cypress Springs Road

FLDOT-3-SR79 North
CR279 to Cypress Springs Road
FPN#2207739-52-01
SAJ-2013-01967 (SP-MMW)
ATTACHMENT #1

Identify any deviations from the approved permit drawings and/or special conditions (attach additional pages if necessary):					

FLDOT-3-SR79 North CR279 to Cypress Springs Road FPN#2207739-52-01 SAJ-2013-01967 (SP-MMW) ATTACHMENT #1 Sheet 2 of 2

STANDARD PROTECTION MEASURES FOR THE EASTERN INDIGO SNAKE U.S. Fish and Wildlife Service August 12, 2013

The eastern indigo snake protection/education plan (Plan) below has been developed by the U.S. Fish and Wildlife Service (USFWS) in Florida for use by applicants and their construction personnel. At least 30 days prior to any clearing/land alteration activities, the applicant shall notify the appropriate USFWS Field Office via e-mail that the Plan will be implemented as described below (North Florida Field Office: jaxregs@fws.gov; South Florida Field Office: jaxregs@fws.gov; Panama City Field Office: jaxregs@fws.gov; South Florida Field Office: jaxregs@fws.gov; South Florida Field Office: jaxregs@fws.gov; Panama City Field Office: jaxregs@fws.gov; South Florida Field Office: jaxregs@fws.gov; As long as the signatory of the e-mail certifies compliance with the below Plan (including use of the attached poster and brochure), no further written confirmation or "approval" from the USFWS is needed and the applicant may move forward with the project.

If the applicant decides to use an eastern indigo snake protection/education plan other than the approved Plan below, written confirmation or "approval" from the USFWS that the plan is adequate must be obtained. At least 30 days prior to any clearing/land alteration activities, the applicant shall submit their unique plan for review and approval. The USFWS will respond via e-mail, typically within 30 days of receiving the plan, either concurring that the plan is adequate or requesting additional information. A concurrence e-mail from the appropriate USFWS Field Office will fulfill approval requirements.

The Plan materials should consist of: 1) a combination of posters and pamphlets (see **Poster Information** section below); and 2) verbal educational instructions to construction personnel by supervisory or management personnel before any clearing/land alteration activities are initiated (see **Pre-Construction Activities** and **During Construction Activities** sections below).

POSTER INFORMATION

Posters with the following information shall be placed at strategic locations on the construction site and along any proposed access roads (a final poster for Plan compliance, to be printed on 11" x 17" or larger paper and laminated, is attached):

DESCRIPTION: The eastern indigo snake is one of the largest non-venomous snakes in North America, with individuals often reaching up to 8 feet in length. They derive their name from the glossy, blue-black color of their scales above and uniformly slate blue below. Frequently, they have orange to coral reddish coloration in the throat area, yet some specimens have been reported to only have cream coloration on the throat. These snakes are not typically aggressive and will attempt to crawl away when disturbed. Though indigo snakes rarely bite, they should NOT be handled.

SIMILAR SNAKES: The black racer is the only other solid black snake resembling the eastern indigo snake. However, black racers have a white or cream chin, thinner bodies, and WILL BITE if handled.

LIFE HISTORY: The eastern indigo snake occurs in a wide variety of terrestrial habitat types throughout Florida. Although they have a preference for uplands, they also utilize some wetlands

FLDOT-3-SR79 North CR279 to Cypress Springs Road FPN#2207739-52-01 SAJ-2013-01967 (SP-MMW) ATTACHMENT #2 and agricultural areas. Eastern indigo snakes will often seek shelter inside gopher tortoise burrows and other below- and above-ground refugia, such as other animal burrows, stumps, roots, and debris piles. Females may lay from 4 - 12 white eggs as early as April through June, with young hatching in late July through October.

PROTECTION UNDER FEDERAL AND STATE LAW: The eastern indigo snake is classified as a Threatened species by both the USFWS and the Florida Fish and Wildlife Conservation Commission. "Taking" of eastern indigo snakes is prohibited by the Endangered Species Act without a permit. "Take" is defined by the USFWS as an attempt to kill, harm, harass, pursue, hunt, shoot, wound, trap, capture, collect, or engage in any such conduct. Penalties include a maximum fine of \$25,000 for civil violations and up to \$50,000 and/or imprisonment for criminal offenses, if convicted.

Only individuals currently authorized through an issued Incidental Take Statement in association with a USFWS Biological Opinion, or by a Section 10(a)(1)(A) permit issued by the USFWS, to handle an eastern indigo snake are allowed to do so.

IF YOU SEE A LIVE EASTERN INDIGO SNAKE ON THE SITE:

- Cease clearing activities and allow the live eastern indigo snake sufficient time to move away from the site without interference;
- Personnel must NOT attempt to touch or handle snake due to protected status.
- Take photographs of the snake, if possible, for identification and documentation purposes.
- Immediately notify supervisor or the applicant's designated agent, and the appropriate USFWS office, with the location information and condition of the snake.
- If the snake is located in a vicinity where continuation of the clearing or construction activities will cause harm to the snake, the activities must halt until such time that a representative of the USFWS returns the call (within one day) with further guidance as to when activities may resume.

IF YOU SEE A <u>DEAD</u> EASTERN INDIGO SNAKE ON THE SITE:

- Cease clearing activities and immediately notify supervisor or the applicant's designated agent, and the appropriate USFWS office, with the location information and condition of the snake.
- Take photographs of the snake, if possible, for identification and documentation purposes.
- Thoroughly soak the dead snake in water and then freeze the specimen. The appropriate wildlife agency will retrieve the dead snake.

Telephone numbers of USFWS Florida Field Offices to be contacted if a live or dead eastern indigo snake is encountered:

North Florida Field Office – (904) 731-3336 Panama City Field Office – (850) 769-0552 South Florida Field Office – (772) 562-3909

> FLDOT-3-SR79 North CR279 to Cypress Springs Road FPN#2207739-52-01 SAJ-2013-01967 (SP-MMW) ATTACHMENT #2 Sheet 2 of 2

Florida Department of Transportation Permit Number: 1514 October 9, 2013

Page 3 of 7

Exhibit A

Specific Conditions

The following conditions are in addition to those listed in exhibit B, as provided for in subsection 62-330.350(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. Inspection documentation must be readily available and shall be provided at the District's request. Submittal of the inspection documentation to the District is not required.

In addition to these conditions, the Permittee shall comply with all maintenance and inspection requirements prescribed in the Maintenance Plan developed by the Registered Professional who designed the system.

Karst Features

- 3. If unanticipated limestone formations are encountered during construction of the retention basins, or a sinkhole or solution cavity forms during construction, construction of the basin must be halted immediately and the District must be notified. Remedial action will be required.
- 4. If during construction or operation of the stormwater management system, a structural failure is observed that has the potential to cause the direct discharge of surface water into the Floridan Aquifer System, corrective actions designed or approved by a registered professional shall be taken as soon as practical to correct the failure. A report prepared by a registered professional must be provided as soon as practical to the District for review and approval that provides reasonable assurance that the breach will be permanently corrected.
- 5. The permittee must visually inspect all permitted stormwater systems at least annually for the occurrence of sinkholes and keep reports of these inspections. Submittal of the reports to the District is not required; however, they should be made available to the District upon request.

Wet Detention

- 6. The wet detention area shall be inspected periodically for debris and trash built up around the discharge structures. Accumulations of debris and trash that negatively affect the function of the system shall be removed upon discovery.
- 7. The weir and baffle shall be inspected to confirm that it is free-flowing and clear of debris.
- 8. The stormwater system shall be inspected periodically for silt accumulation. Accumulations

FLDOT-3-SR79 North CR279 to Cypress Springs Road FPN#2207739-52-01 SAJ-2013-01967 (SP-MMW) WQC/CZM Special Conditions Sheet 1 of 2 Florida Department of Transportation

Permit Number: 1514 October 9, 2013 Page 4 of 7

Exhibit A (cont'd)

of silt that negatively affect the function of the system shall be removed upon discovery.

- 9. Inspections by a Registered Professional. The stormwater management system shall be inspected by a registered professional to evaluate whether the system is functioning as designed and permitted. The Registered Professional may record his inspection on Form No 62-330.311(1), Operation and Maintenance Inspection Certification or may provide his evaluation in any other format; however any report must be signed and sealed by the Registered Professional. Submittal of the inspection report to the District is not required; but the report shall be made available to the District upon request. Inspections shall be made by the Registered Professional in accordance with this schedule:
 - On the first anniversary of the date of conversion to Operation and Maintenance Phase.
 - Every fifth year on the anniversary of conversion to Operation and Maintenance phase, after the first year of successful operation.

Reporting by a Registered Professional.

Within 30 days of any failure of the stormwater management system or deviation from the permit, a report shall be submitted to the District on Form 62-330.311(1), Operation and Maintenance Inspection Certification, describing the remedial actions taken to resolve the failure or deviation. This report shall be signed and sealed by a Registered Professional.

Other Specific Conditions

10. Authorized impacts to wetlands include a total of 0.89 acres. The applicant has indicated that wetland impacts will be offset by providing 0.605 Freshwater Mixed Hardwoods mitigation credits at the Sand Hill Lakes Mitigation Bank (SHLMB) in accordance with Statute 373.4137. The permittee shall provide verification to the District that 0.605 of Freshwater Mixed Hardwoods credits have been purchased from the SHLMB and deducted from the mitigation credit ledger associated with the SHLMB to offset the aforementioned wetland impacts. All necessary documentation shall be received and approved by District staff prior to transfer to the Operation and Maintenance phase of this permit.

FLDOT-3-SR79 North CR279 to Cypress Springs Road FPN#2207739-52-01 SAJ-2013-01967 (SP-MMW) WQC/CZM Special Conditions