



Brett J. Cyphers
Executive Director

Northwest Florida Water Management District

700 U.S. Highway 331 South, DeFuniak Springs, FL 32435

Phone: (850) 951-4661 • Fax: (850) 892-8007

April 24, 2019

Erica Brookman
FDOT
1074 Us-90
Chipley, FL 32428

RE: Notice of Final Agency Action - Approval
Individual Environmental Resource Permit
Project Number: IND-133-286206-1
Permit Name: 217909-3 SR 77 from Washington County Line to North of CR 279

Dear Sir/Madam:

Enclosed is the approved individual Environmental Resource Permit (ERP) for the above referenced project as authorized on April 24, 2019 by the Northwest Florida Water Management District.

Please be sure to read the enclosed permit and all exhibits in their entirety, paying close attention to the permit conditions in Exhibit A that require you to perform maintenance activities on your stormwater system and to have inspections performed by a Registered Professional at specified times throughout the life of the stormwater system.

Please be advised that you are required to fully execute and submit the following documents:

- "Construction Commencement Notice" [Form 62-330.350(1)] - Submitted to the District no later than 48 hours prior to commencement of any part of the activity authorized by the enclosed permit.
- "As-Built Certification and Request for Conversion to Operational Phase" [Form 62-330.310(1)] Submitted to the District no later than 30 days after the activity has been completed.

Copies of these and other ERP forms are attached and are also available for download on the District website at

<http://www.nwfwater.com/Permits/Environmental-Resource-Permits/Application-Forms>

Please be advised that the District **has not** published a notice in the newspaper of local circulation advising the public that a permit has been issued for this activity. Publication, using the District form, notifies the public of their rights to challenge the issuance of this permit. If proper notice is given by publication, third parties have a 21-day time limit to file a petition opposing the issuance of the permit. If you do not publish, a party's right to challenge the

GEORGE ROBERTS
Chair
Panama City

JERRY PATE
Vice Chair
Pensacola

JOHN W. ALTER
Secretary-Treasurer
Malone

GUS ANDREWS
DeFuniak Springs

JON COSTELLO
Tallahassee

TED EVERETT
Chipley

NICK PATRONIS
Panama City Beach

BO SPRING
Port St. Joe

issuance of the permit may extend indefinitely. If you wish to have certainty that the period for filing such a challenge is closed, then you may publish, at your expense, such a notice in a newspaper of general circulation. A sample notice form is attached for your information. If you choose to publish such a notice, please submit a copy to the District for our records.

The issuance of an Environmental Resource Permit for this activity does not eliminate the need to obtain all necessary permits or approvals from other agencies.

Should you have any questions regarding your permit or its conditions, please contact your permit reviewer, Dana Palermo, P.E., at (850) 951-4660 or by e-mail: Dana.Palermo@nwfwater.com and Ken Greenwood, at (850) 539-5999 or by e-mail: Ken.Greenwood@nwfwater.com

Sincerely,



Andrew Joslyn
ERP Bureau Chief

cc:

Consultant:

Josey W Walker
25 West Cedar Street
Suite 200
Pensacola, FL 32502

Christopher Thompson
Atkins
482 South Keller Road
Orlando, FL 32810

Kathy Bruner
FDOT
1074 US-90
Chipley, FL 32428

Enc:

Environmental Resource Permit Number: IND-133-286206-1
Construction Commencement Notice [Form 62-330.350(1)]
As-Built Certification and Request for Conversion to Operational Phase [Form 62-330.310(1)]
Notice of Rights
Sample Newspaper Notice

**NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT
INDIVIDUAL ENVIRONMENTAL RESOURCE PERMIT**

PERMIT NO: IND-133-286206-1 **DATE ISSUED:** April 24, 2019

PROJECT NAME: 217909-3 SR 77 from Washington County Line to North of CR 279

CONSTRUCTION PHASE EXPIRATION DATE: April 24, 2024

A PERMIT AUTHORIZING:

The construction of a surface water management system to serve the widening of approximately 5.6 miles of rural State Road 77 from the Bay County line to County Road 279, in Washington County. State Road 77 is currently a two-lane undivided rural roadway which will be widened to a four-lane divided rural roadway equipped with curb and gutter collection system, roadside conveyance swales, and multiple stormwater management ponds designed to provide treatment and attenuation for the approximately 695-acre overall drainage area. The project consists of seven, hydraulically separate, drainage basins which have been further broken down to multiple sub-basins. There is a 6.09-acre drainage basin (Basin SOUTH) that has been previously accounted for in the adjacent roadway segment and is directed to Pond #7 that is an existing pond that was authorized under an FDEP permit prior to ERP, and there is an 8.99-acre drainage basin (Basin NORTH) that has been previously accounted for in the adjacent roadway segment and is directed to SWF 2 under IND-133-17232-1. A description of the drainage basins and the systems that serve each are as follows: Basin 1 is served by Pond 1D and Pond 1 which have been designed as dry retention ponds; Basin 2 is served by Pond 2 which has been designed as a dry retention pond; Basin 3 is served by Pond 3 which has been designed as a dry retention pond; Basin 4 is served by Pond 4A, Pond 4B, Pond 4C, and Pond 4D where Pond 4A, Pond 4C, and Pond 4D have been designed as dry retention ponds and Pond 4B has been designed as a wet detention pond; and, Basin 5 is served by Pond 5 which has been designed as a dry retention pond. Each of the ponds have been designed to either retain up to the 100-year / 24-hour storm event or discharge offsite where the area historically drains. Direct wetland impacts totaling 0.903 acres in wetlands and 0.178 acres in other surface water ditches, and 0.393 acres of secondary impacts are authorized. Mitigation for wetland impacts will be through purchase of 0.485 freshwater forested mitigation credits at Sand Hill Lakes Mitigation Bank. The surface water management system is in accordance with the approved plans and supporting drainage report prepared by HDR Engineering, Inc.

LOCATION:

Section(s):	36	Township(s):	1N	Range(s):	15W
	17, 5, 19, 30,		1N		14W
	8, 20, 31, 4, 29				

Washington County

ISSUED TO:

FDOT
1074 Us-90
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 62-330, 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.

PERMIT IS CONDITIONED UPON:

See conditions on attached "Exhibit A", dated April 24, 2019

AUTHORIZED BY: Northwest Florida Water Management District
Division of Resource Regulation



By:

Andrew Joslyn
ERP Bureau Chief

"EXHIBIT A"
CONDITIONS FOR ISSUANCE OF PERMIT NUMBER IND-133-286206-1
217909-3 SR 77 from Washington County Line to North of CR 279
DATED April 24, 2019

1. All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with Rule 62-330.315, F.A.C. Any deviations that are not so authorized may subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S.
2. A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase, and shall be available for review at the work site upon request by the Agency staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.
3. Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation June 2007)*, and the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008)*, which are both incorporated by reference in subparagraph 62-330.050(9)(b)5., F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.
4. At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the Agency a fully executed Form 62-330.350(1), "Construction Commencement Notice," [October 1, 2013], incorporated by reference herein (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02505>), indicating the expected start and completion dates. A copy of this form may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C. If available, an Agency website that fulfills this notification requirement may be used in lieu of the form.
5. Unless the permit is transferred under Rule 62-330.340, F.A.C., or transferred to an operating entity under Rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms and conditions of the permit for the life of the project or activity.
6. Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:
 1. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex – "Construction Completion and Inspection Certification for Activities Associated With a Private Single-Family Dwelling Unit" [Form 62-330.310(3)]; or
 2. For all other activities – "As-Built Certification and Request for Conversion to Operational Phase" [Form 62-330.310(1)].

3. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.
7. If the final operation and maintenance entity is a third party:
 1. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as-built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.3 of Volume I) as filed with the Department of State, Division of Corporations and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.
 2. Within 30 days of submittal of the as-built certification, the permittee shall submit "Request for Transfer of Environmental Resource Permit to the Perpetual Operation Entity" [Form 62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.
8. The permittee shall notify the Agency in writing of changes required by any other regulatory agency that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.
9. This permit does not:
 1. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;
 2. Convey to the permittee or create in the permittee any interest in real property;
 3. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
 4. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee
10. Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, 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.
11. The permittee shall hold and save the Agency 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 project authorized by the permit.
12. The permittee shall notify the Agency in writing:
 1. Immediately if any previously submitted information is discovered to be inaccurate; and
 2. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer of the permit in accordance with Rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase

13. Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.
14. If any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, work involving subsurface disturbance in the immediate vicinity of such discoveries shall cease. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section, at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Such subsurface work shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and notification shall be provided in accordance with Section 872.05, F.S.
15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.
16. The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other uplands in a manner that does not require a permit under Chapter 62-330, F.A.C., or cause violations of state water quality standards.
17. This permit is issued based on the applicant's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the Agency will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.
18. A Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with subsection 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.
19. **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.
20. 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.

21. 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.
22. 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 may be required.
23. **Inspection by Permittee.** The permittee must visually inspect all permitted stormwater systems at least quarterly 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.
24. Grassed areas of the retention system shall be fertilized only as needed to maintain vegetation, and shall be mowed regularly in order to be kept at a manageable length as required for system functionality, maintenance, and safety.
25. Percolation performance shall be evaluated within the pond at least every third year. If there is evidence of inadequate percolation, the pond bottom must be re-scarified or deep-raked to restore percolation characteristics. If reworking the pond bottom fails to restore adequate percolation, additional retention area restoration shall be performed as follows:
 - a. Remove the top layer of the retention area bottom material to a depth of 2 to 3 inches and scarify or deep-rake the excavated bottom.
 - b. Replace excavated bottom material with suitably permeable material and restore the pond bottom to design grade.
26. **Inspections by the Permittee.**
 - o The stormwater system shall be inspected periodically for accumulation of debris and trash. Accumulations of debris and trash that negatively affect the function of the system shall be removed upon discovery.
 - o The stormwater system shall be inspected periodically for silt accumulation. Accumulations of silt that negatively affect the function of the system shall be removed.
 - o The overflow weir and skimmer, if applicable, shall be inspected annually to confirm that it is free-flowing and clear of debris.
27. **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. Percolation performance should specifically be addressed. 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:

- o On the first anniversary of the date of conversion to Operation and Maintenance Phase.
- o Every fifth year on the anniversary of conversion to Operation and Maintenance phase, after the first year of successful operation.

28. **Reporting by a Registered Professional.** Within 30 days of any failure of a 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.
29. 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.
30. All wetland areas and water bodies, which are outside the specific limits of construction authorized by this permit, must be protected from erosion, siltation, scouring and/or dewatering using best management practices. Erosion controls shall be positioned at the edge of permitted fill slopes where they are adjacent to wetlands in order to prevent turbid run-off, erosion, and sedimentation. At no time shall there be any discharge in violation of water quality standards in Chapter 62.302, Florida Administrative Code. Turbidity/erosion controls shall be installed prior to any clearing (with the exception of the minimal clearing necessary to install appropriate erosion control device), excavation or placement of fill material and shall be maintained in an effective condition at all locations until construction is completed, disturbed areas are stabilized, and turbidity levels have fallen to less than 29 NTU's above background. The District must be notified immediately if turbidity levels have exceeded 29 NTUs above background. Once conditions are met, the turbidity and erosion control devices shall be removed within 14 days.
31. Prior to construction, the limits of the proposed construction shall be demarcated (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.
32. All wetland areas or other surface waters that are outside the specific limits of construction authorized by this permit must be protected from erosion, siltation, scouring, excess turbidity, dewatering and/or any other action which may negatively impact the water quantity or water quality of those wetlands and other surface waters.
33. The Permittee and its contractors shall adhere to the standard specifications for prevention, control and abatement of erosion and water pollution, as stated in the Florida Erosion and Sediment Control Designer and Reviewer Manual (FDOT and FDEP, 2007), and to any stricter standards required in this permit. The contractors shall be responsible for ensuring that turbidity/erosion control devices and procedures are inspected and maintained daily during all phases of construction authorized by this permit until all area that are disturbed during construction are sufficiently stabilized to prevent erosion, siltation, and turbid discharges.

34. Unauthorized impacts to wetlands as a result of the construction shall be reported immediately to the Northwest Florida Water Management District, 152 Water Management Drive, Havana, Florida 32333. Phone No. (850) 539-5999. Corrective action shall be taken as soon as practicable to restore the impacted area.
35. Within 30 days of the final sale of credits from the Sand Hill Lakes Mitigation Bank , the permittee shall provide written documentation to the Northwest Florida Water Management District, 152 Water Management Drive, Havana, Florida 32333 that the Banker has been provided with the information necessary to submit a ledger debit request to FDEP for the Sand Hill Lakes Mitigation Bank Mitigation Bank Permit No. 0227351-020. The information provided to the Banker shall include but is not limited to the Environmental Resource Permit (ERP) number, issue date, permittee name, and reviewer contact information.
36. Prior to construction a minimum of .485 freshwater forested mitigation credits shall be purchased from Sand Hill Lakes Mitigation Bank. If for whatever reason, the proposed mitigation credit purchase cannot be completed, the applicant shall submit an application for a modification to this permit to address impacts to wetlands and other surface waters for which no mitigation has been provided. This application shall be submitted to the appropriate Water Management District office. No construction of any type is permitted until all mitigation requirements have been met.



NOTICE OF RIGHTS

Northwest Florida Water Management District
152 Water Management Drive, Havana, FL 32333-4712
(850) 539-5999 Fax (850) 539-2693
www.nwfwater.com



The following information addresses procedures to be followed if you desire an administrative hearing or other review of agency action.

PETITION FOR FORMAL ADMINISTRATIVE PROCEEDINGS

Any person whose substantial interests are or may be affected by the action described in the enclosed Notice of Agency Action, may petition for an administrative hearing in accordance with the requirements of section 28-106.201, Florida Administrative Code, or may choose to pursue mediation as an alternative remedy under section 120.573, Florida Statutes, before the deadline for filing a petition. Pursuit of mediation will not adversely affect the right to administrative proceedings in the event mediation does not result in a settlement. Petitions for an administrative hearing must be filed with the Agency Clerk of the Northwest Florida Water Management District, 81 Water Management Drive, Havana, Florida 32333-9700 by the deadline specified in the attached cover letter. Failure to file a petition within this time period shall constitute a waiver of any rights such person may have to request an administrative determination (hearing) under section 120.57, Florida Statutes, concerning the subject permit application. Petitions which are not filed in accordance with the above provisions are subject to dismissal.

DISTRICT COURT OF APPEAL

A party who is adversely affected by final agency action on the permit application and who has exhausted available administrative remedies is entitled to judicial review in the District Court of Appeal pursuant to section 120.68, Florida Statutes. Review under section 120.68, Florida Statutes, is initiated by filing a Notice of Appeal in the appropriate District Court of Appeal in accordance with Florida Rule of Appellate Procedure 9.110.

SECTION 28-106.201, FLORIDA ADMINISTRATIVE CODE, INITIATION OF PROCEEDINGS

- (1) Unless otherwise provided by statute, and except for agency enforcement and disciplinary actions that shall be initiated under Rule 28-106.2015, F.A.C., initiation of proceedings shall be made by written petition to the agency responsible for rendering final agency action. The term "petition" includes any document that requests an evidentiary proceeding and asserts the existence of a disputed issue of material fact. Each petition shall be legible and on 8 1/2 by 11 inch white paper. Unless printed, the impression shall be on one side of the paper only and lines shall be double-spaced.
- (2) All petitions filed under these rules shall contain:
 - (a) The name and address of each agency affected and each agency's file or identification number, if known;
 - (b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; 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 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 the petitioner contends warrant reversal or modification of the agency's proposed action;
 - (f) A statement of the specific rules or statutes 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 petitioner wishes the agency to take with respect to the agency's proposed action.
- (3) Upon receipt of a petition involving disputed issues of material fact, the agency shall grant or deny the petition, and if granted shall, unless otherwise provided by law, refer the matter to the Division of Administrative Hearings with a request that an administrative law judge be assigned to conduct the hearing. The request shall be accompanied by a copy of the petition and a copy of the notice of agency action.

NOTICING PUBLICATION INFORMATION

The District's action regarding the issuance or denial of a permit, a petition or qualification for an exemption only becomes closed to future legal challenges from members of the public ("third parties"), if 1) "third parties" have been properly notified of the District's action regarding the permit or exemption, and 2) no "third party" objects to the District's action within a specific period of time following the notification.

Notification of "third parties" is provided through publication of certain information in a newspaper of general circulation in the county where the proposed activities are to occur. Publication of notice informs "third parties" of their right to have a 21-day time limit in which to file a petition opposing the District's action. However, if no notice to "third parties" is published, there is no time limit to a party's right to challenge the District's action. The District has not published a notice to "third parties" that it has taken final action on your application. If you want to ensure that the period of time in which a petition opposing the District's action regarding your application is limited to the time frame state above, you may publish, at your own expense, a notice in a newspaper of general circulation. A copy of the Notice of Agency Action the District uses for publication is attached. You may use this format or create your own, as long as the essential information is included.

If you do decide to publish a Notice of Final Agency Action, please provide the District a copy of the Proof of Publication when you receive it. That will provide us notice that action on this permit application is closed after the 21 days following publication.

**Notice of Final Agency Action Taken by the
Northwest Florida Water Management District**

Notice is given that Environmental Resource permit number IND-133-286206-1 was issued on April 24, 2019 to Erica Brookman

FDOT for the construction of a new surface water management system designed to serve the widening of approximately 5.6 miles of rural State Road 77 from the Bay County line to County Road 279, in Washington County. State Road 77 is currently a two-lane undivided rural roadway which will be widened to a four-lane divided rural roadway equipped with curb and gutter collection system, roadside conveyance swales, and multiple stormwater management ponds designed to provide treatment and attenuation for the approximately 695-acre overall drainage area. The project consists of seven, hydraulically separate, drainage basins which have been further broken down to multiple sub-basins. There is a 6.09-acre drainage basin (Basin SOUTH) that has been previously accounted for in the adjacent roadway segment and is directed to Pond #7 that is an existing pond that was authorized under an FDEP permit prior to ERP, and there is an 8.99-acre drainage basin (Basin NORTH) that has been previously accounted for in the adjacent roadway segment and is directed to SWF 2 under IND-133-17232-1. A description of the drainage basins and the systems that serve each are as follows: Basin 1 is served by Pond 1D and Pond 1 which have been designed as dry retention ponds; Basin 2 is served by Pond 2 which has been designed as a dry retention pond; Basin 3 is served by Pond 3 which has been designed as a dry retention pond; Basin 4 is served by Pond 4A, Pond 4B, Pond 4C, and Pond 4D where Pond 4A, Pond 4C, and Pond 4D have been designed as dry retention ponds and Pond 4B has been designed as a wet detention pond; and, Basin 5 is served by Pond 5 which has been designed as a dry retention pond. Each of the ponds have been designed to either retain up to the 100-year / 24-hour storm event or discharge offsite where the area historically drains. Direct wetland impacts total 0.903 acres in wetlands and 0.178 acres in other surface water ditches, and 0.393 acres of secondary impacts. Mitigation for wetland impacts will be through purchase of 0.485 freshwater forested mitigation credits at Sand Hill Lakes Mitigation Bank. The project is located at SR 77 from Washington Co. Line to N of CR 279 (~6 mi.), Washington County.

The file containing the application for this permit is available for inspection Monday through Friday (except for legal holidays), 8:00 a.m. to 5:00 p.m. at the Northwest Florida Water Management District's ERP Office, 700 U.S. Highway 331 South, DeFuniak Springs, FL 32435

A person whose substantial interests are affected by the District permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57 F.S., or may choose to pursue mediation as an alternative remedy under Section 120.573, Florida Statutes, and Rules 28-106.111 and 28-106.401-404, Florida Administrative Code. Petitions must comply with the requirements of Florida Administrative Code, Chapter 28-106 and be filed with (received by) the District Clerk located at District Headquarters, 81 Water Management Drive, Havana, FL 32333-4712. Petitions for administrative hearing on the above application must be filed within twenty-one (21) days of publication of this notice or within twenty-six (26) days of the District depositing notice of this intent in the mail for those persons to whom the District mails actual notice. Failure to file a petition within this time period shall constitute a waiver of any right(s) such person(s) may have to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., concerning the subject permit. Petitions which are not filed in accordance with the above provisions are subject to dismissal.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the District's final action may be different from the position taken by

it in this notice. Persons whose substantial interests will be affected by any such final decision of the District on the application have the right to petition to become a party to the proceedings, in accordance with the requirements set forth above.

CONSTRUCTION COMMENCEMENT NOTICE

Instructions: In accordance with Chapter 62-330.350(1)(d), F.A.C., complete and submit this form at least 48 hours prior to commencement of activity authorized by permit.

Permit No. _____ Application No. _____
Project _____
Name _____ Phase _____

Construction of the system authorized by the above referenced Environmental Resource

Permit and Application, is expected to commence on _____, 20____
and will have an estimated completion date of _____, 20____

PLEASE NOTE: If the actual construction commencement date is not known within 30 days of issuance of the permit, District staff should be so notified in writing. As soon as a construction commencement date is known, the permittee shall submit a completed construction commencement notice form.

_____ Permittee's or Authorized Agent's Signature		_____ Company
_____ Print Name	_____ Title	_____ Date
_____ E-mail		_____ Phone Number



AS-BUILT CERTIFICATION AND REQUEST FOR CONVERSION TO OPERATION PHASE

Instructions: Complete and submit this page within 30 days of completion of the permitted activities, as required by the permit conditions. **Any components of the permitted activities that are not in substantial conformance with the permit must be corrected or a modification of the permit will be required in accordance with Rule 62-330.315, Florida Administrative Code (F.A.C.).** The operation phase of the permit is effective when the construction certification for the entire permit/application is approved by the Agency. If the final operation and maintenance entity is not the permittee, the permittee shall operate the system, works or other activities temporarily until such time as the transfer to the operation entity is finalized (use Form 62-330.310(2)).

Permit No.:	Application No(s).	Permittee:
Project Name:		Phase (if applicable):

I HEREBY CERTIFY THAT (please choose accurately and check only one box):

- ☐ I hereby notify the Agency of the completion of construction of all the components of the system, works or other activities for the above referenced project and certify that it has been constructed in substantial conformance with the plans specifications and conditions permitted by the Agency. Any minor deviations will not prevent the system from functioning in compliance with the requirements of Chapter 62-330, F.A.C. Attached is documentary evidence of satisfaction of any outstanding permit conditions, other than long term monitoring and inspection requirements.
- ☐ At the time of final inspection, the works or activities were NOT completed in substantial conformance with the plans and specifications permitted by the Agency. (The registered professional shall describe the substantial deviation(s) in writing, and provide confirming depiction on the as-built drawings and information.)

If there were substantial deviations, plans must be submitted clearly labeled as "as-built" or "record" drawings reflecting the substantial deviations. If there are no substantial deviations, do not submit "as built" drawings.

For activities that require certification by a registered professional:

By:

Signature _____

Print Name _____

Fla. Lic. or Reg. No _____

! AFFIX SEAL !

Company Name _____

Company Address _____

Date _____

For activities that do not require certification by a registered professional:

By:

Signature _____

Print Name _____

Company Name _____

Company Address _____

Date _____



DRAWINGS AND INFORMATION CHECKLIST

Following is a list of information that is to be verified and/or submitted by the Registered Professional or Permittee:

1. All surveyed dimensions and elevations shall be certified by a registered Surveyor or Mapper under Chapter 472, F.S.
2. The registered professional's certification shall be based upon on-site observation of construction (scheduled and conducted by the registered professional of record or by a project representative under direct supervision) and review of as-built drawings, with field measurements and verification as needed, for the purpose of determining if the work was completed in accordance with original permitted construction plans, specifications and conditions.
3. If submitted, the as-built drawings are to be based on the permitted construction drawings revised to reflect any substantial deviations made during construction. Both the original design and constructed condition must be clearly shown. The plans need to be clearly labeled as "as-built" or "record" drawings that clearly highlight (such as through "red lines" or "clouds") any substantial deviations made during construction. As required by law, all surveyed dimensions and elevations required shall be verified and signed, dated and sealed by an appropriate registered professional. The following information, at a minimum, shall be verified on the as-built drawings, and supplemental documents if needed:
 - a. Discharge structures - Locations, dimensions and elevations of all, including weirs, orifices, gates, pumps, pipes, and oil and grease skimmers;
 - b. Detention/Retention Area(s) – Identification number, size in acres, side slopes (h:v), dimensions, elevations, contours or cross-sections of all, sufficient to determine stage-storage relationships of the storage area and the permanent pool depth and volume below the control elevation for normally wet systems,
 - c. Side bank and underdrain filters, or exfiltration trenches - locations, dimensions and elevations of all, including clean-outs, pipes, connections to control structures and points of discharge to receiving waters;
 - d. System grading - dimensions, elevations, contours, final grades or cross-sections to determine contributing drainage areas, flow directions and conveyance of runoff to the system discharge point(s);
 - e. Conveyance - dimensions, elevations, contours, final grades or cross-sections of systems utilized to divert off-site runoff around or through the new system;
 - f. Benchmark(s) - location and description (minimum of one per major water control structure);
 - g. Datum- All elevations should be referenced to a vertical datum clearly identified on the plans, preferably the same datum used in the permit plans.
4. Wetland mitigation or restoration areas - Show the plan view of all areas, depicting a spatial distribution of plantings conducted by zone (if plantings are required by permit), with a list showing all species planted in each zone, numbers of each species, sizes, date(s) planted and identification of source of material; also provide the dimensions, elevations, contours and representative cross-sections depicting the construction.
5. Any additional information or outstanding submittals required by permit conditions or to document permit compliance, other than long-term monitoring or inspection requirements.

NWFWMD

ERP Permit Number

286206-1

Project Name: 217909-3 SR 77 from

Washington Co. Line to North of

CR 279

Issue Date:

Apr. 24, 2019

Construction Expiration Date:

Apr. 24, 2024