



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
COCOA REGULATORY OFFICE
400 HIGH POINT DRIVE, SUITE 600
COCOA, FLORIDA 32926

JAN 20 2009

Regulatory Division
North Permits Section
SAJ-2006-4627 (MOD-AWP)
MODIFICATION 1

Florida Department of Transportation, District 3
Attn: Joy Giddens
P.O. Box 607
Chipley, Florida 32428

Dear Mrs. Giddens:

This letter is in reference to your request for a modification of Department of the Army permit SAJ-2006-4627 (IP-AWP) issued to FDOT, District 3 for the widening of 1.05-miles of State Road (SR) 79 in the Town of Vernon, Washington County.

By copy of this letter the U.S. Army Corps of Engineers is granting your request for a modification to the existing design which will include an additional 0.23 acre of impacts to waters of the United States. Specifically, the modification will allow the addition of 0.19 acre of impacts to wetland 4A, associated with an existing residential man-made pond, and 0.04 acres of rip-rap to be placed at the northeast bridge abutment

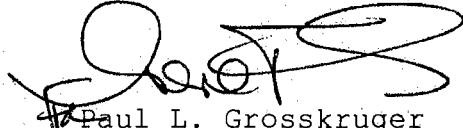
The impact of your proposal on navigation and the environment have been reviewed and found to be insignificant. The permit is hereby modified in accordance with your request. You should attach this letter to the permit. All other conditions of the permit remain in full force and effect.

If you have any questions concerning permit modification, please contact the project manager Andrew Phillips at the letterhead address, by telephone at 321-504-3771 extension 14 or by electronic mail at andrew.w.phillips@usace.army.mil.

Thank you for your cooperation with our permit program. 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 the following link and complete our automated Customer Service Survey: <http://regulatory.usacesurvey.com/>. Your input is appreciated - favorable or otherwise.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:



Paul L. Grosskrüger
Colonel, U.S. Army
District Engineer

Enclosure

Copies Furnished: (electronically)

FWS, Mittiga
EPA, Harper
NMFS, Rydene
NWFWMDC, Cairns
RD-PE

CESAJ-RD-AM (1145b)
SAJ-2006-4627(IP-AWP)

JAN 20 2009

MEMORANDUM FOR RECORD

SUBJECT: Supplement to the Department of the Army Environmental Assessment and Statement of Findings for the Above-Numbered Permit Application.

- 1. Applicant:** Florida Department of Transportation, District 3
Attn: Joy Giddens
P.O. Box 607
Chipley, Florida 32428
- 2. Reason for supplement:** Plan updates and design changes call for 0.19 acres of additional impacts to wetland 4A, associated with an existing residential man-made pond, and 0.04 acres of rip-rap to be placed at the northeast bridge abutment. Modifications, total 0.23 acres of additional impacts to waters of the United States.
- 3. Original Authorized Project:** A Department of the Army permit dated 12 March 2008 authorized the placement of clean fill material into 8.04 acres of waters of the United States (wetlands) for the widening from two to four-lane and intersection improvements along a 1.05-mile length of State Road (SR) 79 in the Town of Vernon, Washington County.
- 4. Endangered Species:** The proposed modification is located outside of open water areas of the Holms Creek, which may include the fuzzy pigtoe (*Pleurobema strodeanum*) and tapered pigtoe (*Quincuncina burkei*). The Corps of Engineers has determined that the proposed modification will have no impacts to federally listed species.
- 5. Essential Fish Habitat (EFH):** The Corps of Engineers determined that the proposed modification will have no impacts to EFH.
- 6. Mitigation:** Wetland impacts for this project will be mitigated through the Northwest Florida Umbrella, Watershed-Based, Regional Mitigation Plan (PLAN), as defined in the agreement between the Northwest Florida Water Management District (NFWFMD) and the U.S. Army Corps of Engineers (Corps), Jacksonville District, July 31, 2006. The PLAN includes a combination of land acquisition, preservation, and restoration at the Plum Creek site identified in section 5.3.7 Holms Creek

CESAJ-RD-NC SAJ-2006-4627 (IP-AWP)

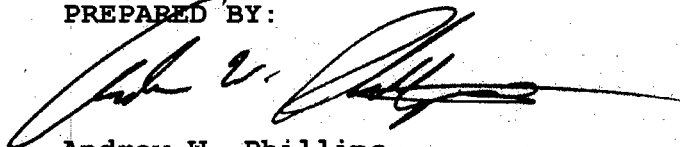
SUBJECT: Supplement to Department of the Army Environmental Assessment and Statement of Findings for the Above-Numbered Permit Application.

Acquisition, February 20, 2008 update. To mitigate for impacts to waters of the United States (wetlands and surface waters) caused this project, the NFWFMD will deduct 7.24 credits from the Plum Creek ledger. Section 8.1 of the PLAN, Mitigation Credit Ledger, will be adjusted accordingly to reflect the credits used above.

7. Special Conditions: The applicant previously provided compensatory mitigation to offset secondary impacts where these impacts are proposed; therefore no additional mitigation is required to off-set the proposed impacts.

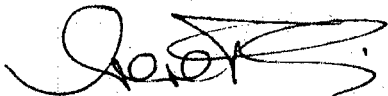
8. Determination: I have reviewed all the pertinent information and have concluded that the determinations of the permit evaluation are still valid and there have been no significant changes in the circumstances surrounding this permit since the final determination was made. Therefore, the conclusion that the permit is not contrary to the public interest, that it complies with the 404(b)(1) Guidelines, and that an Environmental Impact Statement is not required is still valid.

PREPARED BY:



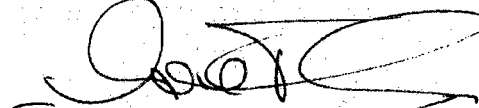
Andrew W. Phillips
Project Manager

REVIEWED BY:



Irene F. Sadowski
Chief, Cocoa Permits
Section

APPROVED BY:



Paul L. Grosskruger
District Commander



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
COCOA REGULATORY OFFICE
400 HIGH POINT DRIVE, SUITE 600
COCOA, FLORIDA 32926

REPLY TO
ATTENTION OF

Special Projects and Enforcement Branch
SAJ-2006-4627 (IP-AWP)

MAR 12 2008

Florida Department of Transportation, District 3
Attn: Joy Giddens
P.O. Box 607
Chipley, Florida 32428

Dear Mrs. Giddens:

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

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

This information should be mailed to the Enforcement Section of the Regulatory Division of the Jacksonville District at Post Office Box 4970, Jacksonville, Florida 32232-0019. The Enforcement Section is also responsible for inspections to determine whether Permittees have strictly adhered to permit conditions.

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

RECEIVED

MAR 17 REC'D

Environmental Management

Sincerely,

Stephen R. Sullivan
Chief, Regulatory Division

Enclosures

Copies Furnished:

FWS, Jacksonville
EPA, Atlanta
CESAJ-RD-PE

DEPARTMENT OF THE ARMY PERMIT

Permittee: Florida Department of Transportation, District 3
Attn: Joy Giddens
P.O. Box 607
Chipley, Florida 32428

Permit No: SAJ-2006-4627(IP-AWP)

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

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

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

Project Description: The placement of clean fill material into approximately 8.04 acres of freshwater wetlands for the widening (from two to four-lanes) and intersection improvements along a 1.05-mile length of State Road (SR) 79 in the Town of Vernon, Washington County. The work described above is to be completed in accordance with the 3 attachments affixed at the end of this permit instrument.

Project Location: The project is located in waters of the United States, Choctawhatchee Bay watershed, on SR-79 from McFatter Street to north of CR-279, in Sections 26 and 35, Township 3 North, Range 15 West, Vernon, Washington County, Florida.

Directions to site: From the intersection of Interstate 10 and SR 79 proceed south on SR 79. The project starts south of CR-279 and ends at McFatter Street.

Latitude & Longitude: Latitude: 30.6216591507
Longitude: -85.7123882833

RECEIVED

MAR 05 2008

JACKSONVILLE DISTRICT
USACE

PERMIT NUMBER: SAJ-2006-4627 (IP-AWP)
PERMITTEE: FDOT, District 3
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Permit Conditions

General Conditions:

1. The time limit for completing the work authorized ends on **March 12, 2013**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature and the mailing address of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to

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PERMITTEE: FDOT, District 3
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ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. 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, P.O. Box 4970, Jacksonville, FL 32232. The Permittee shall reference this permit number, SAJ-2006-4627(IP-AWP), on all submittals.

2. The Permittee shall use only clean fill material for this project. The fill material shall be free from items such as trash, debris, automotive parts, asphalt, construction materials, concrete block with exposed reinforcement bars, and soils contaminated with any toxic substance, in toxic amounts in accordance with Section 307 of the Clean Water Act.

3. Wetland impacts for this project will be mitigated through the Northwest Florida Umbrella, Watershed-Based, Regional Mitigation Plan (PLAN), as defined in the agreement between the Northwest Florida Water Management District (NFWMD) and the U.S. Army Corps of Engineers (Corps), Jacksonville District, July 31, 2006. The PLAN includes a combination of land acquisition, preservation, and restoration at the Plum Creek site identified in section 5.3.7 Holmes Creek Acquisition, February 20, 2008 update. To mitigate for impacts to waters of the United States (wetlands and surface waters) caused by widening of SR 79 from from McFatter Street to north of CR279 in Washington County, the NFWMD will deduct 7.24 credits from the Plum Creek West ledger. Section 8.1 of the PLAN, Mitigation Credit Ledger, will be adjusted accordingly to reflect the credits used above.

4. If the Plum Creek parcel cannot be acquired prior to the start of roadway construction, NFWMD will submit an alternate compensatory mitigation proposal to fully offset the functional loss that would as a result of the project. The alternative mitigation proposal must be reviewed and approved by USACE and USFWS. See January 2007 PLAN revision, Section 11.10 for additional mitigation contingency planning.

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5. The NFWMD shall provide an annual status report, in July 2008, as defined in the January 2007 PLAN revision, Section 11.0. The report shall include all six reporting criteria listed in the PLAN.

6. The NFWMD shall provide annual provisions for full cost accounting as defined in Article IV, (14) of the Agreement between NFWMD and the Corps executed July 31, 2006.

7. A representative of the Corps will be allowed to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of this permit.

8. 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, P.O. Box 4970, Jacksonville, FL 32232 and US Army Corps of Engineers, Cocoa Regulatory Field Office, Attn: Andrew Phillips, 400 High Point Drive, Suite 600, Cocoa, Florida 32926.

9. Within 10 days from the date of initiating the authorized work, the Permittee shall provide to the Corps a written notification of the date of commencement of work authorized by this permit.

10. Prior to the initiation of any work authorized by this permit, the Permittee shall install erosion control measures around all work areas to prevent the displacement of fill material. Immediately after completion of the final grading of the land surface, all slopes, land surfaces, and filled areas adjacent to wetlands shall be stabilized using sod, degradable mats, 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.

11. Within 60 days of completion of the authorized work or at the expiration of the construction window of this permit, whichever occurs first, the Permittee shall submit as-built drawings of the authorized work and a completed As-Built Certification Form (Attachment 3) to the Corps. The drawings

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PERMITTEE: FDOT, District 3
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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 as-built drawings any deviations that have been listed. Please note that the depiction and/or description of any deviations on the drawings and/or As-Built Certification Form does not constitute approval of any deviations by the U.S. Army Corps of Engineers.

c. The Department of the Army Permit number.

d. Include pre- and post-construction aerial photographs of the project site, if available.

12. Two species of freshwater mussels that are candidates for protection may occur in your project area: fuzzy pigtoe (*Pleurobema strodeanum*) and tapered pigtoe (*Quincuncina burkei*). U.S. Fish and Wildlife Service (USFWS) anticipates proposing these species for listing and proposing areas essential to their conservation as critical habitat in the near future. While candidate species receive no statutory protection under the Endangered Species Act, incorporating conservation measures now may eliminate the need to re-initiate consultation when the species are listed. When species are proposed for listing and/or areas are proposed as critical habitat, action agencies must determine, with USFWS concurrence, whether their actions may jeopardize the species or adversely modify the critical habitat. When listing/designation is completed, action agencies must then determine whether their actions may adversely affect the species or critical habitat, and if so, initiate formal consultation with USFWS. Therefore, incorporating protective

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measures now may prevent delays in your project once listing is finalized.

13. If these species become listed as either Threatened or Endangered prior to commencement of work, then no work may begin in these areas until consultation procedures, pursuant to Section 7, Endangered Species Act, 1973, are concluded.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

(X) 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.

PERMIT NUMBER: SAJ-2006-4627 (IP-AWP)
PERMITTEE: FDOT, District 3
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b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action

PERMIT NUMBER: SAJ-2006-4627(IP-AWP)

PERMITTEE: FDOT, District 3

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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.

PERMIT NUMBER: SAJ-2006-4627(IP-AWP)

PERMITTEE: FDOT, District 3

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

Joy Giddens
(PERMITTEE)

3/3/08
(DATE)

Joy Giddens - FDOT Permits Coordinator
(PERMITTEE NAME-PRINTED)

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

Paul L. Grosskruger
(DISTRICT ENGINEER)
Paul L. Grosskruger
Colonel, U.S. Army
District Commander

12 March 08
(DATE)

PERMIT NUMBER: SAJ-2006-4627(IP-AWP)

PERMITTEE: FDOT, District 3

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

(TRANSFEEE-SIGNATURE)

(DATE)

(NAME-PRINTED)

(ADDRESS)

(CITY, STATE, AND ZIP CODE)

PERMIT NUMBER: SAJ-2006-4627(IP-AWP)
PERMITTEE: FDOT, District 3
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***Attachments to Department of the Army
Permit Number SAJ-2006-4627(IP-AWP)***

1. PERMIT DRAWINGS: 18 pages, dated February 21, 2008
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. 93 pages.
3. AS-BUILT CERTIFICATION BY PROFESSIONAL ENGINEER: 1 page



Department of Environmental Protection

Panama City Branch Office
2353 Jenks Ave
Panama City, FL 32405-4389
(850) 872-4375

Jeb Bush
Governor

Colleen M. Castille
Secretary

2006-04627 DEIB

CONSOLIDATED WETLAND RESOURCE PERMIT AND SOVEREIGN SUBMERGED LANDS AUTHORIZATION

PERMITTEE/AUTHORIZED ENTITY:

Florida Department of Transportation
c/o Joy Giddens
1074 Highway 90
Chipley, Florida 32428

Permit/Authorization Number:

67-0267251-001-DF
Date of Issue: 11/20/2006
Expiration Date: 11/20/2011

RECEIVED

NOV 22 2006

County: Washington

Project: Wetland Fill/Road enhancements

JACKSONVILLE DISTRICT
USACE

This permit is issued under the authority of Part IV of Chapter 373, F.S., and Title 62, Florida Administrative Code (F.A.C.). The activity is not exempt from the requirement to obtain a Consolidated Wetland Resource Permit. The Department is responsible for reviewing and taking final agency action on this activity.

This permit also constitutes a finding of consistency with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Management Act.

This activity also requires a proprietary authorization, as the activity is located on sovereign submerged lands owned by the Board of Trustees of the Internal Improvement Trust Fund, pursuant to Article X, Section 11 of the Florida Constitution, and sections 253.002 and 253.77, F.S. The activity is not exempt from the need to obtain a proprietary authorization. The Department has the responsibility to review and take final action on this request for proprietary authorization in accordance with section 18-21.0051, F.A.C. In addition to the above, this proprietary authorization has been reviewed in accordance with Chapter 253, F.S., Chapter 18-21, F.A.C., section 62-312.065, F.A.C.

As staff to the Board of Trustees, the Department has reviewed the activity described above, and has determined that the activity qualifies for a consent to use sovereign submerged lands, as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein. Therefore, consent is hereby granted, pursuant to Chapter 253.77, Florida Statutes to perform the activity on the specified sovereign submerged lands.

This permit constitutes a determination, pursuant to section 380.0651(3)(e), F.S., that the facility is located so that it will not adversely impact Outstanding Florida Waters or Class II waters.

A copy of this authorization also has been sent to the U.S. Army Corps of Engineers (USACOE) for review. The USACOE may require a separate permit. Failure to obtain this authorization prior to construction could subject you to enforcement action by that agency. You are hereby advised that authorizations also may

"More Protection, Less Process"

Printed on recycled paper.

U.S. Army Corps of Engineers

Permit # SAT-2006-4627

Date: FEB 21 2008

Attachment: 2



Permittee: Florida Department of Transportation
File No.: 67-0267251-001-DF
Page 2

be required by other federal, state, and local entities. This authorization does not relieve you from the requirements to obtain all other required permits and authorizations.

The above named permittee is hereby authorized to construct the work shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the Department and made a part hereof. **This permit is subject to the limits, conditions, and locations of work shown in the attached drawings, and is also subject to the enclosed 15 General Conditions and 20 Specific Conditions, which are a binding part of this permit and authorization.** You are advised to read and understand these drawings and conditions prior to commencing the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings. If you are utilizing a contractor, the contractor also should read and understand these drawings and conditions prior to commencing the authorized activities. Failure to comply with all drawings and conditions shall constitute grounds for revocation of the permit and appropriate enforcement action.

ACTIVITY DESCRIPTION:

The project includes the, widening, bridge replacement and intersection improvements/realignments of a section of SR 79 from McFatter Street to North of CR 279. The project will impact 7 acres of jurisdictional wetlands, 6.65 acres of which will be filled, and 0.34 acres will be excavated, to perform road enhancements; The four-laning of SR 79 from McFatter Street to North of CR 279 including the replacement of the Holmes Creek Bridge with 2 two-lane sister spans of 1,020 feet, the intersection improvements/realignments along SR 79 at the intersections of SR 277, CR 278 and CR 279, as well as minor improvements to Wayside Park Road, Jackson and Court Avenues, and McFatter Street. Mitigation shall be associated with the Regional Mitigation Plan pursuant to OGC #99-1877 and Senate Bill 1986 (Chapter 373.4137, F.S.).

ACTIVITY LOCATION:

The project is located along section of SR 79 from McFatter Street to North of CR 279, Holmes Creek, Class III Waters of the State, Sections 35, Townships 03-North, Range 15-West, in Washington County.

GENERAL CONDITIONS:

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit, are "permit conditions" and are binding and enforceable pursuant to sections 403.141, 403.727, or 403.859 through 403.861, F.S. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.

2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.

3. As provided in subsections 403.087(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in this permit.

4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.

5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.

6. The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the permittee to achieve compliance with the conditions of this permit, are required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.

7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located or conducted to:

- a. Have access to and copy any records that must be kept under conditions of the permit;
- b. Inspect the facility, equipment, practices, or operations regulated or required under this permit; and
- c. Sample or monitor any substances or parameters at any location reasonable necessary to assure compliance with this permit or Department rules.

Reasonable time may depend on the nature of the concern being investigated.

8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:

- a. A description of and cause of noncompliance; and
 - b. The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.
9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is prescribed by sections 403.111 and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.
10. The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules. A reasonable time for compliance with a new or amended surface water quality standard, other than those standards addressed in rule 62-302.500, F.A.C., shall include a reasonable time to obtain or be denied a mixing zone for the new or amended standard.
11. This permit is transferable only upon Department approval in accordance with rules 62-4.120 and 62-730.300, F.A.C., as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.
12. This permit or a copy thereof shall be kept at the work site of the permitted activity.
13. This permit also constitutes Certification of Compliance with State Water Quality Standards (Section 401, PL 92-500).
14. The permittee shall comply with the following:
- a. Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.
 - b. The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.
 - c. Records of monitoring information shall include:

1. the date, exact place, and time of sampling or measurements;
2. the person responsible for performing the sampling or measurements;
3. the dates analyses were performed;
4. the person responsible for performing the analyses;
5. the analytical techniques or methods used; and
6. the results of such analyses.

15. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware the relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.

SPECIFIC CONDITIONS:

1. If the approved permit drawings conflict with the specific conditions, then the specific conditions shall prevail.
2. If during the progress of this project 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, the permitted project should cease all activities involving subsurface disturbance in the immediate vicinity of such discoveries. The permittee, or other designee, shall contact the Florida Department of State, Division of Historical Resources, Review and Compliance Section at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Project activities should not resume without verbal and/or written authorization from the Division of Historical Resources. In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately and the proper authorities notified in accordance with Section Chapter 872.05, Florida Statutes.
3. At least 48 hours and no more than one week prior to commencement of work authorized by this permit, the permittee shall notify the Department of Environmental Protection, Submerged Lands & Environmental Resources Program, Compliance and Enforcement Section, Suite 202, Northwest District Office, 160 Governmental Center, Pensacola, Florida 32502-5794, in writing. The Department telephone number for reporting problems, malfunctions or exceedances under this permit is (850) 595-8300 during normal working hours.

4. The permittee and its contractors shall adhere to the standard specification for prevention, control and abatement of erosion and water pollution, as stated in Section 104 of the Florida Department of Transportation - Standard Specifications for Road and Bridge Construction, and to any stricter standards as required in this permit. The permittee and its 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 areas that were disturbed during construction are sufficiently stabilized to prevent erosion, siltation, and turbid discharges.

5. All wetland areas or 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. At no time shall there be any discharge in violation of the water quality standards in Chapter 62-302, Florida Administrative Code. Turbidity/erosion controls shall be installed prior to any clearing, excavation or placement of fill material and shall be maintained in an effective condition at all locations until construction is completed and disturbed areas are stabilized. Erosion controls shall be positioned at the edge of the permitted fill slopes where they are adjacent to wetlands in order to prevent turbid run-off and erosion. Floating turbidity barriers shall be installed prior to any excavation or placement of fill material and shall be maintained in effective condition at all locations until construction is completed and disturbed areas are stabilized. Thereafter, the permittee must remove all turbidity/erosion controls within 14 days.

6. If, as a result of construction activities associated with this project, turbidity levels in open waters or wetlands outside of the authorized areas of impact are elevated by 29 or more NTUs above natural background levels, the permittee or the environmental scientist who is responsible for turbidity control shall notify the Pensacola Office, Northwest District Submerged Lands and Environmental Resource Program Compliance section within 24 hours, construction activities shall cease in that section of the project, and immediate corrective action shall be taken by the permittee and its contractors. Construction shall not begin again in that area until the turbidity/erosion control devices have been adequately repaired, replaced or enhanced and turbidity levels are reduced to within 29 NTUs of the natural background levels.

7. All storage or stockpiling of tools or materials (i.e. lumber, pilings, etc.) shall be limited to uplands or within the impact areas authorized by this project. In addition, all equipment being utilized shall be limited to operation and storage in uplands or within the impact areas authorized by this permit.

8. Any damage to the wetlands as a result of the construction shall be repaired by re-establishing the pre-construction elevations and replanting vegetation of the same species, size and density as that in the adjacent areas. The restoration shall be completed within 30 days of completion of the project and the department shall be notified of its completion within that same 30-day period. Any damage to wetlands/littoral zone area as a result of the construction shall be reported immediately to the DEP Northwest District, 160 Governmental Center, Suite 202, Pensacola, Florida 32502-5794, Phone No. (850) 595-8300.

9. Construction activities within wetlands, including clearing, equipment access and stockpiling of materials, shall be limited to the authorized areas of impact that are shown on the permit drawings. These areas do not necessarily extend to the edge of the right-of-way. Before construction activities

begin, the agent and/or the contractor shall mark the limits of the authorized areas of impact with highly visible staked flagging labeled 'wetland line - do not cross'. All construction personnel shall be shown the location(s) of all wetland areas outside of the construction area to prevent encroachment from heavy equipment into these areas. The flagging shall be legible from 25 feet away and shall be posted on 50-foot intervals.

10. The disposal of construction debris from this project shall only take place in an approved solid waste disposal site in accordance with all applicable Federal, State, and local regulations. Best management practices shall be used at all times during the demolition of the bridge or portion of the bridge such that construction debris is not discarded into open waters or wetlands.

11. No lead-based paint shall be used on the bridge construction associated with this project. No hazardous materials, used in association with this project, shall be stored within or over the limits of the Department's jurisdiction. All refueling sites shall be located in uplands.

12. There shall be no storage or stockpiling of tools or materials (i.e., lumber, pilings, equipment) within wetlands, unless specifically approved in the permit.

13. All stockpiled fill material to be used in future construction activities of the project shall be maintained and stabilized in such a manner as to prevent possible erosion or turbid discharges into wetlands or open waters following rain events. Methods of stabilization shall include, but are not limited to the use of staked hay bales, staked filter cloth, sodding, seeding, and mulching; staged construction; and the installation of turbidity screens around the immediate stockpiled fill area. The stockpiled fill shall not be stockpiled in partially constructed stormwater ponds associated with this project.

14. Construction activity shall be confined to the authorized impact areas only. Any unauthorized impacts to adjacent wetlands as a result of construction activities shall be reported by the permittee and its consultants/contractors to the Compliance and Enforcement Section of the Submerged Lands and Environmental Resource Program at (850) 595-8300, within 48 hours of discovering the unauthorized impact.

15. In addition to a wetland resource permit, you are required to obtain a stormwater treatment permit from the Department for the project site. The stormwater application may be reviewed concurrently with the wetland resource application and, in the event a permit is issued, the permit may be a joint wetland resource and stormwater permit. The Northwest Florida Water Management District will not be involved in the stormwater treatment review for this project since it has not been delegated authority to issue stormwater treatment permits for projects which involve dredging and filling. In order to facilitate the Department's stormwater review for this project, please provide the following information:

- a. Complete stormwater management and drainage plans for this project. Include all calculations, volumes, treatment methods, elevations, outfalls, drawdown times, infiltration rates, under-drain sizes and lengths, etc.

- b. A plan view drawing indicating the stormwater collection, transport, and conveyance systems. Indicate all points of discharge into waters of the State.
- c. Cross-sectional views of all structures associated with the stormwater management system. Include all elevations and dimensions.

A set of full-sized construction drawings would be helpful. Please note all calculations submitted to the Department in support of a stormwater treatment permit application must be signed with an original signature, dated and sealed by a professional engineer registered in the state of Florida

16. All material used as fill shall be clean sand/shell material and shall not be contaminated with vegetation, garbage, trash, tires, hazardous, toxic waste or other materials that are not suitable for road construction within waters of the State as so determined by the Department.
17. All cleared vegetation, excess lumber, scrap wood, trash, garbage and any other type of debris shall be removed from wetlands/waters of the state within 14 days of completion of the work authorized in this permit.
18. At no time during culvert construction shall jurisdictional wetland connections be severed. Culvert construction/placement activities shall include implementation of functional temporary channels or culverts prior to any fill placement in waterways.
19. A copy of this permit and attached drawings shall be posted at the project site prior to construction commencement and shall remain posted until the project is complete.

Mitigation Conditions:

20. Mitigation shall be associated with the Regional Mitigation Plan pursuant to OGC #99-1877 and Senate Bill 1986 (Chapter 373.4137, F.S.).

RIGHTS OF AFFECTED PARTIES:

This permit is hereby granted. This action is final and effective on the date filed with the Clerk of the Department unless a sufficient petition for an administrative hearing is timely filed under sections 120.569 and 120.57 of the Florida Statutes as provided below. If a sufficient petition for an administrative hearing is timely filed, this action automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Therefore, on the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because an administrative hearing may result in the reversal or substantial modification of this action, the applicant is advised not to commence construction or other activities until the deadlines noted below for filing a petition for an administrative hearing or request for an extension of time have expired.

Mediation is not available.

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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 of the Florida Statutes. The petition must contain the information set forth below and 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.

Under rule 62-110.106(4) of the Florida Administrative Code, a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. 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. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

If a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Intervention will be permitted only at the discretion of the presiding officer upon the filing of a motion in compliance with rule 28-106.205 of the Florida Administrative Code.

In accordance with rules 28-106.111(2) and 62-110.106(3)(a)(4), petitions for an administrative hearing by the applicant must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. Under section 120.60(3) of the Florida Statutes, however, any person who has asked the Department for notice of agency action may file a petition within 21 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing 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 of the Florida Statutes.

A petition that disputes the material facts on which the Department's action is based 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; 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.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by rule 28-106.301.

Under sections 120.569(2)(c) and (d) of the Florida Statutes, a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This permit constitutes an order of the Department. Subject to the provisions of paragraph 120.68(7)(a) of the Florida Statutes, which may require a remand for an administrative hearing, the applicant has the right to seek judicial review of the order under section 120.68 of the Florida Statutes, by the filing of a notice of appeal under rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida, 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the order is filed with the Clerk of the Department. The applicant, or any party within the meaning of section 373.114(1)(a) or 373.4275 of the Florida Statutes, may also seek appellate review of the order before the Land and Water Adjudicatory Commission under section 373.114(1) or 373.4275 of the Florida Statutes. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when the order is filed with the Clerk of the Department.

Executed in Bay County Florida.

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Mariane Castellanos

Mariane Castellanos

Branch Manager

Enclosure: Location map
Permit drawings

cc: U.S. Army Corps of Engineers
Mick Garrett, HDR

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CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this permit including all copies were mailed before the close of business on November 20, 2006 to the above listed persons.

FILING AND ACKNOWLEDGMENT

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

Clerk Date
Lorela J. Hagans Nov 20, 2006

Prepared By: Michael A. Mathews

81 pages enclosed