

220679-1 Walton



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
JACKSONVILLE DISTRICT CORPS OF ENGINEERS  
PANAMA CITY REGULATORY OFFICE  
1002 WEST 23<sup>RD</sup> STREET, SUITE 350  
PANAMA CITY, FLORIDA 32405-3648

March 9, 2012

Regulatory Division  
North Permits Branch  
SAJ-2011-00953 (SP-AAK)

Florida Department of Transportation  
Attn: Joy Giddens, District 3 Permits Coordinator  
1074 Highway 90  
Chipley, FL 32428

RECEIVED

MAR 14 2012

ENVIRONMENTAL MANAGEMENT  
OFFICE

Dear Ms. Giddens:

The U.S. Army Corps of Engineers (Corps) is pleased to enclose the Department of the Army permit, 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 U.S. Army Corps of Engineers, Special Projects and Enforcement Section, Mr. Terry Wells, 41 North Jefferson St., Suite 111, Pensacola, FL 32502. The Special Projects and Enforcement Branch 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.

Sincerely,

for Donald W. Kinard  
Chief, Regulatory Division

Enclosures

Copies Furnished to:

H.W. Lochner, Inc. Att: Natalie Betz Zierden  
FDEP, Pensacola Office

# DEPARTMENT OF THE ARMY PERMIT

**Permittee:** Florida Department of Transportation  
Attn: Joy Giddens, District 3 Permits Coordinator  
1074 Highway 90  
Chipley, FL 32428

**Permit No:** SAJ-2011-00953 (SP-AAK)

**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 authorized work is to permanently impact 42.78 acres of wetlands, waters of the United States, and 24.28 acres of other waters of the United States for road construction to widen an existing 2-lane highway to a 4-lane divided, controlled access highway. Also associated with the authorized work is 1.09 acres of temporary impact to wetlands, waters of the United States. The work described above is to be completed in accordance with the attachments and 70 pages of project drawings affixed at the end of this permit instrument.

**Project Location:** The project is located in wetlands and other waters of the United States within the Choctawhatchee Bay Watershed along State Road 83 (U.S. Highway 331) from the northern Choctawhatchee Bay Relief Bridge approach north to approximately 0.5 mile south of State Road 20 (approximately 5 miles in length) in Sections 14, 22, 23, 27, and 34, Township 1 South, Range 19 West; and Sections 3 and 4, Township 2 South, Range 19 West, in Freeport, Walton County, Florida.

**Directions to site:** Travelling on Interstate 10 in Walton County, take Exit 85 and proceed approximately 15 miles south on State Road 83 (U.S. Highway 331) to project site.

**Latitude & Longitude:** Latitude: 30.43014 North  
Longitude: 86.15481 West

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**Permittee:** Florida Department of Transportation  
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### **Permit Conditions**

#### **General Conditions:**

1. The time limit for completing the work authorized ends on **March 6, 2017**. 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 ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

#### **Special Conditions:**

1. **Reporting Address:** All reports, documentation and correspondence required by the conditions of this permit shall be submitted to the following address: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, Mr. Terry Wells, 41 North Jefferson St., Suite 111, Pensacola, FL 32502. The Permittee shall reference this permit number, SAJ-2011-00953 (SP-AAK), on all submittals.

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2. **Commencement Notification:** 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.
3. **Fill Material:** The Permittee shall use only clean fill material for this project. The fill material shall be free from items such as trash, debris, automotive parts, asphalt, construction materials, concrete block with exposed reinforcement bars, and soils contaminated with any toxic substance, in toxic amounts in accordance with Section 307 of the Clean Water Act.
4. **Erosion Control:** Prior to the initiation of any work authorized by this permit, the Permittee shall install erosion control measures along the perimeter of all work areas to prevent the displacement of fill material outside the work area. Immediately after completion of the final grading of the land surface, all slopes, land surfaces, and filled areas shall be stabilized using sod, degradable mats, barriers, or a combination of similar stabilizing materials to prevent erosion. The erosion control measures shall remain in place and be maintained until all authorized work has been completed and the site has been stabilized.
5. **Temporary Wetland Impacts:** Within 30 days from the date of completing the authorized work the Permittee shall restore 1.09 acres of authorized temporary wetland impacts to pre-existing contours, elevations, vegetation, habitat type, and hydrologic condition.
6. **Eastern Indigo Snake Protection Measures:** The Permittee shall comply with U.S. Fish and Wildlife Service's Standard Protection Measures for the Eastern Indigo Snake dated February 12, 2004 and provided in Attachment 1 of this permit.
7. **Manatee Protection Measures:** The Permittee shall comply with the Standard Manatee Conditions for In-Water Work, 2011, included as Attachment 2 of this permit.
8. **Sea Turtle and Smalltooth Sawfish Protection Measures:** The Permittee shall comply with the National Marine Fisheries Service Sea Turtle and Smalltooth Sawfish Construction Conditions, revised March 23, 2006, included as Attachment 3 of this permit.
9. **Mitigation Credit Purchase:** 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. Within 30 days from the date of initiating the authorized work the Permittee shall provide verification to the Corps that 31.32 federal mitigation bank credits have been purchased from the Nokuse Plantation Mitigation Bank (SAJ-2007-02663) and that 0.14 federal mitigation credits have been deducted from the mitigation credit ledger associated with the Live Oak Point Mitigation Area owned by

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the NFWFMD. The required verifications shall reference this project's permit number (SAJ-2011-00953 (SP-AAK)).

10. **As-Builts:** 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 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.

11. **Regulatory Agency Changes:** Should any other regulatory agency require changes to the work authorized or obligated by this permit, the Permittee is advised that a modification to this permit instrument is required prior to initiation of those changes. It is the Permittee's responsibility to request a modification of this permit from the Panama City Regulatory Office.

**Further Information:**

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

(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.

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.



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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)



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*Attachments to Department of the Army  
Permit Number SAJ-2011-00953 (SP-AAK)*

1. Standard Protection Measures for the Eastern Indigo Snake, Revised February 12, 2004.
2. Standard Manatee Conditions for In-Water Work, 2011.
3. Sea Turtle and Smalltooth Sawfish Construction Conditions, Revised March 23, 2006.
4. Water Quality Certification: 11 pages, Specific Conditions of the water quality permit/certification in accordance with General Condition number 5 on page 2 of this DA permit.
5. As-Built Certification by Professional Engineer Form.
6. Permit Drawings: 70 pages, dated March 6, 2012.

## STANDARD PROTECTION MEASURES FOR THE EASTERN INDIGO SNAKE

1. An eastern indigo snake protection/education plan shall be developed by the applicant or requestor for all construction personnel to follow. The plan shall be provided to the Service for review and approval at least 30 days prior to any clearing activities. The educational materials for the plan may consist of a combination of posters, videos, pamphlets, and lectures (*e.g.*, an observer trained to identify eastern indigo snakes could use the protection/education plan to instruct construction personnel before any clearing activities occur). Informational signs should be posted throughout the construction site and along any proposed access road to contain the following information:
  - a. a description of the eastern indigo snake, its habits, and protection under Federal Law;
  - b. instructions not to injure, harm, harass or kill this species;
  - c. directions to cease clearing activities and allow the eastern indigo snake sufficient time to move away from the site on its own before resuming clearing; and,
  - d. telephone numbers of pertinent agencies to be contacted if a dead eastern indigo snake is encountered. The dead specimen should be thoroughly soaked in water and then frozen.
2. If not currently authorized through an Incidental Take Statement in association with a Biological Opinion, only individuals who have been either authorized by a section 10(a)(1)(A) permit issued by the Service, or by the State of Florida through the Florida Fish Wildlife Conservation Commission (FWC) for such activities, are permitted to come in contact with an eastern indigo snake.
3. An eastern indigo snake monitoring report must be submitted to the appropriate Florida Field Office within 60 days of the conclusion of clearing phases. The report should be submitted whether or not eastern indigo snakes are observed. The report should contain the following information:
  - a. any sightings of eastern indigo snakes and
  - b. other obligations required by the Florida Fish and Wildlife Conservation Commission, as stipulated in the permit.

Revised February 12, 2004

## STANDARD MANATEE CONDITIONS FOR IN-WATER WORK

2011

The permittee shall comply with the following conditions intended to protect manatees from direct project effects:

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at [ImperiledSpecies@myFWC.com](mailto:ImperiledSpecies@myFWC.com)
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the FWC must be used. One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8 ½" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. These signs can be viewed at [MyFWC.com/manatee](http://MyFWC.com/manatee). Questions concerning these signs can be sent to the email address listed above.



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
Southeast Regional Office  
263 13th Avenue South  
St. Petersburg, FL 33701

## SEA TURTLE AND SMALLTOOTH SAWFISH CONSTRUCTION CONDITIONS

The permittee shall comply with the following protected species construction conditions:

- a. The permittee shall instruct all personnel associated with the project of the potential presence of these species and the need to avoid collisions with sea turtles and smalltooth sawfish. All construction personnel are responsible for observing water-related activities for the presence of these species.
- b. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing sea turtles or smalltooth sawfish, which are protected under the Endangered Species Act of 1973.
- c. Siltation barriers shall be made of material in which a sea turtle or smalltooth sawfish cannot become entangled, be properly secured, and be regularly monitored to avoid protected species entrapment. Barriers may not block sea turtle or smalltooth sawfish entry to or exit from designated critical habitat without prior agreement from the National Marine Fisheries Service's Protected Resources Division, St. Petersburg, Florida.
- d. All vessels associated with the construction project shall operate at "no wake/idle" speeds at all times while in the construction area and while in water depths where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will preferentially follow deep-water routes (e.g., marked channels) whenever possible.
- e. If a sea turtle or smalltooth sawfish is seen within 100 yards of the active daily construction/dredging operation or vessel movement, all appropriate precautions shall be implemented to ensure its protection. These precautions shall include cessation of operation of any moving equipment closer than 50 feet of a sea turtle or smalltooth sawfish. Operation of any mechanical construction equipment shall cease immediately if a sea turtle or smalltooth sawfish is seen within a 50-ft radius of the equipment. Activities may not resume until the protected species has departed the project area of its own volition.
- f. Any collision with and/or injury to a sea turtle or smalltooth sawfish shall be reported immediately to the National Marine Fisheries Service's Protected Resources Division (727-824-5312) and the local authorized sea turtle stranding/rescue organization.
- g. Any special construction conditions, required of your specific project, outside these general conditions, if applicable, will be addressed in the primary consultation.

Revised: March 23, 2006

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In addition, you are advised that your project may require additional authorizations or permits from the municipality/ county in which the project is located. Please be sure to contact the local county building and environmental department to obtain these required authorizations.

## **PERMIT /SOVEREIGNTY SUBMERGED LANDS CONDITIONS**

The activities described herein must be conducted in accordance with:

- **The Specific Conditions**
- **The General Conditions**
- **The General Conditions for Sovereignty Submerged Lands Authorization**
- **The limits, conditions and locations of work shown in the attached drawings**
- **The term limits of this authorization**

You are advised to read and understand these conditions and drawings 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 conditions and drawings prior to commencing the authorized activities. Failure to comply with these conditions, including any mitigation requirements, shall constitute grounds for revocation of the Permit and appropriate enforcement action by the Department.

Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and this permit/certification/authorization and sovereignty submerged lands authorization, as specifically described above.

### **SPECIFIC CONDITIONS**

#### **PRIOR TO CONSTRUCTION**

1. All contractors involved in this permitted activity shall be provided copies of this permit in its entirety. A copy shall remain on site at all times during the activities.
2. The permittee shall be responsible for obtaining all necessary property access needed prior to commencement of construction activity.
3. If the approved permit drawings conflict with the specific conditions, then the specific conditions shall prevail.
4. This permit does not authorize the construction of any additional structures not illustrated on the permit drawings.

5. Prior to construction, the limits of the impacts authorized by this permit shall be clearly flagged and staked by the agent and/or contractor. All construction personnel shall be shown the locations of all wetland areas outside the construction areas to prevent encroachment of equipment into these areas.

#### CONSTRUCTION ACTIVITIES

6. The permittee and its contractors shall adhere to the standard specifications 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 these Specific Conditions.

7. This permit does not authorize any dewatering activities. The permittee shall notify the Department before conducting dewatering activities as well as obtain the proper permits for such activities if needed.

8. Substances in concentrations that injure, are chronically toxic to, or produce adverse physiological or behavioral response in humans, animals, or plants shall not be present.

9. There shall be no stockpiling or storage of tools, material (i.e. lumber, pilings, debris) within waters of the state other than those specifically within the impact area as shown on the permit drawings.

10. All watercraft associated with the construction of the permitted structure shall only operate within waters of sufficient depth so as to preclude bottom scouring and prop dredging. There shall be a minimum 12-inch clearance between the deepest draft of the vessel (with the motor in the down position) and the top of submerged resources at **mean low water** so as to preclude bottom scouring or prop dredging.

11. Construction equipment shall not be repaired or refueled in wetlands or elsewhere within waters of the state.

12. Any damage to wetlands outside the permitted area shall be restored to pre-construction elevations and conditions within 30 days of completion of driveway and the Department shall be notified in writing of said incident.

13. All material used as fill shall be clean material and shall not be contaminated with vegetation, garbage, trash, tires, hazardous, toxic waste or other materials that are not suitable for construction within waters of the State as so determined by the Department.

14. No rutting or damage that would otherwise affect hydrology within the impact site is authorized.

15. At no time during construction shall waterway diversions sever jurisdictional wetland connections.

16. Culvert placement shall occur at the locations that are indicated on the permit drawings. The diameter of the culverts shall not be decreased in size nor shall the length of the culverts that are indicated on the permit drawings be increased or decreased.

17. In order to maintain a hydrologic connection, all culverts shall be kept clear and free of sediment, trash, vegetation and other debris.

18. If scouring occurs down from the culverted, wet crossings, the permittee shall be responsible for upgrading the structure to properly accommodate the hydrologic flow.

19. Construction of the bridge over and installation of the culvert shall be accomplished from the permitted footprint. This construction area shall be restored where appropriate, to pre-construction grade. No rutting or damage that would otherwise affect hydrology is authorized.

20. All cleared vegetation, excess lumber, scrap wood, trash, garbage and any other type of construction debris shall be removed from wetlands/waters of the state within 14 days of completion of the work authorized in this permit.

#### **TURBIDITY**

21. All water bodies outside the specific limits of construction authorized by this permit must be protected from erosion, siltation, scouring and/or dewatering. At no time shall there be any discharge in violation of the water quality standards in Chapter 62-302, Florida Administrative Code. Turbidity barriers and 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, disturbed areas are stabilized, and turbidity levels have fallen to less than 29 NTU's above background. The permittee shall be responsible for ensuring that erosion control devices are inspected and maintained daily during all phases of construction authorized by this permit. Once these conditions are met, the turbidity and erosion control devices shall be removed within 14 days.

22. Prior to the initiation of any work authorized by this permit, floating turbidity screens with weighted skirts that extend to within 1 ft. of the bottom shall be placed around the active construction areas of the site. The screens shall be maintained and shall remain in

place for the duration of the project construction to ensure that turbidity levels outside the construction area do not exceed 29 NTU's above background levels.

23. Monitoring for turbidity shall be conducted for the duration of the project. Sampling will commence prior to, but no more than 24 hours before initiation of any dredging or filling activities.

24. Turbidity samples shall be collected with a Kemmerer, Van Dorn or a similar sampler that is designed to collect in situ water samples. Samples shall be analyzed immediately after collection with a turbidimeter that produces results in Nephelometric measurements. The field sample results shall be accurately recorded to the precision capabilities (decimal place) of the instrument. Field turbidimeter results shall be rounded to the next whole number (ex. 15.23 NTUs shall be recorded; however the results shall be interpreted as 16.00 NTUs). If monitoring reveals turbidity levels greater than or equal to the turbidity limits contained in Specific Condition 22, the permittee shall cease all work pursuant to Specific Condition 25.

25. If monitoring reveals turbidity levels greater than or equal to 29 NTU's above background, the permittee shall take the following measures:

- a. Immediately cease all work contributing to the water quality violation. Work which may contribute to the violation shall not resume until corrective measures have been taken and turbidity levels have returned to acceptable levels; and
- b. Stabilize exposed soils contributing to the violation. Modify work procedures responsible for the violation, install additional turbidity containment devices, repair non-functioning turbidity containment devices; and
- c. Increase monitoring frequency to every 2 hours until turbidity levels are within acceptable limits as specified in Specific Condition 22. Operations may not resume until the water quality standard for turbidity has returned to less than 29 NTU's above background.
- d. The violation(s) shall be immediately reported to the Department of Environmental Protection, Submerged Lands & Environmental Resources Program, Compliance and Enforcement Section, Suite 202, Northwest District Office, 160 West Government Street, Pensacola, Florida 32501-5794, in writing or by telephone at (850) 595-8300. The report shall include the description of the corrective actions being taken or proposed to be taken. The report shall be made to the Department as soon as normal business hours resume if violation(s) are noted after normal business hours, on holidays, or on weekends. A copy of the monitoring data sheets, which indicate violation(s), shall be forwarded immediately to the Department.

Failure to report violation(s) or to follow correct procedures before resuming work shall constitute grounds for permit revocation and may subject the permittee to formal enforcement action.



### **SOVEREIGNTY SUBMERGED LANDS**

26. This project will also require public easements to use sovereignty submerged lands, pursuant to Chapter 253.77, Florida Statutes. The project qualifies for a temporary Letter of Consent pursuant to 18-21.005(1)(c).14. The applicant must apply for and obtain easements for Ramsey Branch and Mallet Bayou within one year of permit issuance.

27. Pursuant to 18-21.005(1)(c).6, the stormwater outfall pipe shall be located less than 10-foot waterward of the mean high water line of Choctawhatchee Bay for it to qualify for a letter of consent.

### **MITIGATION**

28. 31.46 units of Functional Loss shall be mitigated for in accordance with Chapter 373.4137, Florida Statute.

### **MONITORING/REPORTING**

29. Semi-annual narrative reports shall be submitted by the Permittee or the designated responsible party to the DEP Northwest District Office at the address on the letterhead of this permit. The reports shall indicate the status of the project and shall include the following information:

- a. Brief description and extent of work (dredging, filling, construction, etc.) completed since the previous report or since permit was issued. Indicate on copies of the permit drawings those areas where work has been completed.
- b. Brief description and extent of work (dredging, construction, planting, etc.) anticipated in the next six months. Indicate on copies of the permit drawings those areas anticipated that work will be done.
- c. Brief description of problems encountered and how those problems were resolved.

The first semi-annual report is due six months from the date of permit issuance. The last status report shall be submitted within 30 days after the completion of the construction activities authorized by his permit.

### **STORMWATER**

30. The 'Pond Maintenance Plan, Wet Pond and Plan Maintenance Plan, Dry Pond', as approved and enclosed with this permit, shall be implemented.

31. If construction of the stormwater management system authorized by this ERP, individual stormwater permit has not been completed and continued use of the system formally transferred to the operating phase before the expiration date of this permit, then at least 60 days before such expiration date, the permittee shall apply for another individual stormwater permit for construction, using the forms and accompanied by the

fee required by rules in effect at that time. The application shall be timely and sufficient, as defined in subsection 62-4.090(1), F.A.C.

32. The construction phase expires at 11:59 p.m. on the date indicated on the cover page of this permit.

33. For emergencies involving a serious threat to the public health, safety, welfare, or environment, the emergency telephone contact number is **800-320-0519** (State Warning Point). The Department telephone number for reporting nonthreatening problems or system malfunctions is (850) 595-0663, day or night.

34. The permittee shall ensure that the Stormwater Pollution Prevention Plan (SWPPP), as well as the specific details involving use of erosion controls included in the plan set enclosed with this permit, are followed by the contractor.

35. If any construction de-watering is required, which results in an offsite discharge of groundwater, the permittee and/or the contractor shall ensure that the requirements of pertinent portions of Chapter 62-621, F.A.C. are met. Please contact Bill Armstrong, P.E., at 850-595-0554, for more information.

36. The mailing address for submittal of forms for the "Construction Commencement Notice", "As-Built Certification ...", "Request for Conversion of Stormwater Management Permit Construction Phase to Operation and Maintenance Phase", or other correspondence is FDEP, SLERP, 160 Governmental Center, Pensacola, Florida, 32502.

### **GENERAL CONDITIONS**

1. All activities authorized by this permit shall be implemented as set forth in the plans, specifications and performance criteria approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity may constitute grounds for revocation or enforcement action by the Department, unless a modification has been applied for and approved in accordance with Rule 62-346.100, F.A.C.

2. This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications, shall be kept at the work site of the permitted activity during the construction phase. The complete permit shall be available for review at the work site upon request by the Department staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit. A weather-resistant sign, measuring at least 8 1/2 inches by 11 inches, and including the permit number (in lettering that is easily visible from the access road) shall be placed on the property facing the road.

Project Name: FDOT State Road 83/US Highway 331 expansion

Permittee: Florida Department of Transportation

Permit No: 66-0274274-003-EI

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3. Activities approved by this permit shall be conducted in a manner that does not cause violations of state water quality standards.

4. Immediately prior to, during construction, and for the period of time after construction to allow for stabilization of all disturbed areas, the permittee shall implement and maintain erosion and sediment control best management practices, such as silt fences, erosion control blankets, mulch, sediment traps, polyacrylamide (PAM), temporary grass seed, permanent sod, and floating turbidity screens to retain sediment on-site and to prevent violations of state water quality standards. These devices shall be installed, used, and maintained at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the permitted work, and shall remain in place at all locations until construction is completed and soils are permanently stabilized. All best management practices shall be in accordance with the guidelines and specifications described in the State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Transportation and Florida Department of Environmental Protection, 2007), unless a project-specific erosion and sediment control plan is approved as part of the permit. If project-specific conditions require additional measures during any phase of construction or operation to prevent erosion or control sediments beyond those specified in the approved erosion and sediment control plan, the permittee shall implement additional best management practices as necessary, in accordance with the guidelines and specifications in the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual*, Prepared for Florida Department of Transportation & Florida Department of Environmental Protection by HydroDynamics Incorporated in cooperation with Stormwater Management Academy, June 2007. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources as soon as practicable. Once project construction has been deemed complete, including the re-stabilization of all side slopes, embankments, and other disturbed areas, and before conversion of the permit to the operation and maintenance phase, all silt screens and fences, temporary baffles, and other materials that are no longer required for erosion and sediment control shall be removed.

5. Stabilization measures shall be initiated for erosion and sediment control on disturbed areas as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than seven days after the construction activity in that portion of the site has temporarily or permanently ceased.

6. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the Department a fully executed Form 62-346.900(3), "Construction Commencement Notice," incorporated by reference herein, indicating the

expected start and completion dates. Information on how a copy of this form may be obtained is contained in Rule 62-346.900, F.A.C.

7. Within 30 days after completion of construction of the whole system, or independent portion of the system, the permittee shall notify the Department that construction has been completed and the system is ready for inspection by submitting one of the following forms to the Department office that issued the permit:

a. For systems other than those that serve an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex, Form 62-346.900(4), "As-Built Certification by a Registered Professional." If the registered professional has certified that the system has been built substantially in compliance with the plans and specifications in the permit, and that such system is ready for inspection, the permittee shall also submit Form 62-346.900(6), "Request for Conversion of Environmental Resource Individual Permit Construction Phase to Operation and Maintenance Phase." The system shall not be used and operated for its permitted purpose until the Department has approved the request to authorize the operation phase, in accordance with Rule 62-346.095, F.A.C. The "As-Built Certification" shall be for the purpose of determining if the work was completed in substantial compliance with permitted plans and specifications. The certification shall include as-built drawings in the form of the permitted drawings that clearly show any substantial deviations made during construction. The plans must be clearly labeled as "as-built" or "record" drawings.

b. For systems that serve an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex, Form 62-346.900(5), "Construction Completion and Inspection Certification for a System Serving an Individual, Private Single-Family Dwelling Unit."

8. Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the initiation of the permitted use of the facility, or the site infrastructure located within the area served by that portion or phase of the system.

9. The permittee shall remain liable for compliance with the operation and maintenance of the system in accordance with the terms and conditions of the permit for the life of the system, unless such permit is transferred to an acceptable responsible entity in accordance with Rules 62-346.095 and 62-346.130, F.A.C. Once transfer of the permit has been approved by the Department, the transferee shall be liable for compliance with all the terms and conditions of the operation and maintenance phase of the permit for the life of the system.

10. Should any other regulatory agency require changes to the permitted system, the permittee shall notify the Department in writing of the changes prior to implementation so that the Department can determine whether a permit modification is appropriate.

11. This permit does not convey to the permittee or create in the permittee any property right or any interest in real property, nor does it authorize any entrance upon or activities on property that is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in this permit or Chapter 62-346, F.A.C. Permittees having the right to exercise the power of eminent domain or who had a contract to purchase the property subject to this permit shall not commence any work under this permit until the permittee has provided the Department with proof of transfer of ownership of the property in the name of the permittee. If such transfer of ownership does not occur, the permittee shall surrender this permit, and the permit shall be null and void.

12. Pursuant to Section 373.422, F.S., prior to conducting any activities on sovereign submerged lands, 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.

13. The permittee shall hold and save the Department 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 system authorized by the permit.

14. The permittee shall notify the Department in writing at least 30 days prior to any sale, conveyance, or other transfer of ownership or control of a permitted system or the real property on which the permitted system is located. Where ownership of the land subject to the permit was demonstrated through a long-term lease, the lessee must have transferred ownership and control of the permitted system to the current landowner or new lessee, effective prior to or on the date of expiration of the lease. All transfers of ownership or transfers of a permit are subject to the requirements of Rules 62-346.095 and 62-346.130, F.A.C.

15. Upon reasonable notice to the permittee, Department staff with proper identification shall have permission to enter, inspect, sample and test the system to ensure conformity with the plans and specifications authorized in the permit.

16. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the Department.

17. The permittee shall immediately notify the Department in writing of any previously submitted information that is later discovered to be inaccurate.

18. The issuance of this permit does not relieve the permittee from the responsibility to obtain any other required federal, state, and local authorizations.

19. The permittee is advised that, pursuant to Section 556.105, F.S., excavating contractors are required to provide certain information concerning the excavation that may affect underground facilities through the one-call notification system not less than two, nor more than five, business days before beginning any excavation.

**GENERAL CONDITIONS FOR SOVEREIGNTY SUBMERGED LANDS  
AUTHORIZATION**

Any use of sovereignty submerged lands is subject to the following general conditions are binding upon the applicant and are enforceable under Chapter 253, F.S. and, as applicable, Chapter 258, F.S.:

1. Sovereignty submerged lands may be used only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use will constitute a violation. Violation of the authorization will result in suspension or revocation of the applicant's use of the sovereignty submerged lands unless cured to the satisfaction of the Board of Trustees.
2. Authorization under Rule 18-21.005, Florida Administrative Code (F.A.C.), conveys no title to sovereignty submerged lands or water column, nor does it constitute recognition or acknowledgment of any other person's title to such land or water.
3. Authorizations under Rule 18-21.005, F.A.C., may be modified, suspended or revoked in accordance with its terms or the remedies provided in Sections 253.04, F.S. and Chapter 18-14, F.A.C.
4. Structures or activities will be constructed and used to avoid or minimize adverse impacts to resources.
5. Construction, use, or operation of the structure or activity will not adversely affect any species which is endangered, threatened or of special concern, as listed in Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C.
6. Structures or activities will not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully

affected, the structure or activity will be modified in accordance with the court's decision.

7. Structures or activities will not create a navigational hazard.

8. Structures will be maintained in a functional condition and will be repaired or removed if they become dilapidated to such an extent that they are no longer functional.

9. Structures or activities will be constructed, operated, and maintained solely for water dependent purposes.

10. The applicant agrees to indemnify, defend and hold harmless the Board of Trustees and the State of Florida from all claims, actions, lawsuits and demands in any form arising out of the authorization to use sovereignty submerged lands or the applicant's use and construction of structures on sovereignty submerged lands. This duty to indemnify and hold harmless will include any and all liabilities that are associated with the structure or activity including special assessments or taxes that are now or in the future assessed against the structure or activity during the period of the authorization.

11. Failure by the Board of Trustees to enforce any violation of a provision of the authorization or waiver by the Board of Trustees of any provision of the authorization will not invalidate the provision not enforced or waived, nor will the failure to enforce or a waiver prevent the Board of Trustees from enforcing the unenforced or waived provision in the event of a violation of that provision.

12. Applicant binds itself and its successors and assigns to abide by the provisions and conditions set forth in the authorization. If the applicant or its successors or assigns fails or refuses to comply with the provisions and conditions of the authorization, the authorization may be terminated by the Board of Trustees after written notice to the applicant or its successors or assigns. Upon receipt of such notice, the applicant or its successors or assigns will have thirty (30) days in which to correct the violations. Failure to correct the violations within this period will result in the automatic revocation of this authorization.

13. All costs incurred by the Board of Trustees in enforcing the terms and conditions of the authorization will be paid by the applicant. Any notice required by law will be made by certified mail at the address shown on page one of the authorization. The applicant will notify the Board of Trustees in writing of any change of address at least ten days before the change becomes effective.

14. This authorization does not allow any activity prohibited in a conservation easement or restrictive covenant that prohibits the activity.

## AS-BUILT CERTIFICATION BY PROFESSIONAL ENGINEER

*Submit this form and one set of as-built engineering drawings to the U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, Mr. Terry Wells, 41 North Jefferson St., Suite 111, Pensacola, FL 32502. If you have questions regarding this requirement, please contact the Special Projects and Enforcement Branch at 904-232-3131.*

1. Department of the Army Permit Number: SAJ-2011-00953(SP-AAK)

2. Permittee Information:

Name \_\_\_\_\_

Address \_\_\_\_\_

3. Project Site Identification:

Physical location/address \_\_\_\_\_

4. As-Built Certification:

I hereby certify that the authorized work, including any mitigation required by Special Conditions to the permit, has been accomplished in accordance with the Department of the Army permit with any deviations noted below. This determination is based upon on-site observation, scheduled and conducted by me or by a project representative under my direct supervision. I have enclosed one set of as-built engineering drawings.

\_\_\_\_\_  
Signature of Engineer

\_\_\_\_\_  
Name (Please type)

\_\_\_\_\_  
(FL, PR or VI) Reg. Number

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City    State    ZIP

(Affix Seal)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Telephone Number





COMPONENTS OF CONTRACT PLANS SET  
PERMIT PLANS

A DETAILED INDEX APPEARS ON THE  
KEY SHEET OF EACH COMPONENT

INDEX OF ROADWAY PLANS

SHEET NO.	SHEET DESCRIPTION
1 - 4	WETLAND IMPACT LAYOUT
4 - 34	WETLAND IMPACTS
35 - 55	ROADWAY CROSS SECTIONS
56 - 61	POND CROSS SECTIONS
62 - 64	LATERAL DITCH CROSS SECTIONS
65 - 67	DRAINAGE STRUCTURES
81-2	BRIDGE PLAN

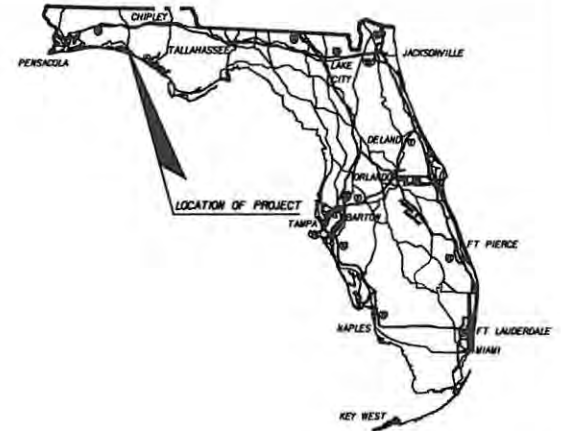
GOVERNING STANDARDS AND SPECIFICATIONS:  
FLORIDA DEPARTMENT OF TRANSPORTATION,  
DESIGN STANDARDS DATED JANUARY 2000,  
AND STANDARD SPECIFICATIONS FOR ROAD AND  
BRIDGE CONSTRUCTION DATED 2001,  
AS AMENDED BY CONTRACT DOCUMENTS.

APPLICABLE DESIGN STANDARDS MODIFICATIONS: 07/01/11  
For Design Standards Modifications click on  
"Design Standards" at the following web site:  
<http://www.dot.state.fl.us/rddesign/>

STATE OF FLORIDA  
DEPARTMENT OF TRANSPORTATION

CONTRACT PLANS

FINANCIAL PROJECT ID 220679-1-52-01  
(FEDERAL FUNDS)  
WALTON COUNTY (60040)  
STATE ROAD NO. 83



DRAINAGE SHOP DRAWINGS  
TO BE SUBMITTED TO:  
NATALIE BETZ ZIERDEN, P.E.  
LOCHNER  
2940 E. PARK AVE., SUITE 200  
TALLAHASSEE, FL 32301  
(850) 656-9027

PLANS PREPARED BY:  
**LOCHNER**  
2940 EAST PARK AVENUE, SUITE 200  
TALLAHASSEE, FL 32301  
(850) 656-9027  
FBR CERTIFICATE OF AUTH. #0894  
VENDOR NUMBER 59-2375705  
CONTRACT NUMBER C-BA32

NOTE: THE SCALE OF THESE PLANS MAY  
HAVE CHANGED DUE TO REPRODUCTION.

DRAINAGE PLANS  
ENGINEER OF RECORD: Natalie Betz Zierden, P.E., NO.: 50072

	SAJ-2011-00953 (SP-AAK)
	FDOT - U.S. HWY 331 Widening from Choctawhatchee Bay Bridge to S.R. 20
	Sheet # <u>1</u> of <u>70</u> March 6, 2012

KEY SHEET REVISIONS		
DATE	BY	DESCRIPTION

PROJECT LENGTH IS BASED ON  $\frac{1}{2}$  OF CONSTRUCTION

LENGTH OF PROJECT		
	LINEAR FEET	MILES
ROADWAY	24512.85	4.642
BRIDGES	290	0.055
NET LENGTH OF PROJECT	24802.85	4.697
EXCEPTIONS	N/A	N/A
GROSS LENGTH OF PROJECT	24802.85	4.697

FDOT PROJECT MANAGER: Karrie Harrell, P.E.

FISCAL  
YEAR  
  
13

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE SIGNED AND SEALED UNDER RULE 6805-23.003, F.A.C.