



**FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION**

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Project Name or Phase:

FDOT – SR83/US 331 Choctawhatchee Bay Bridge

Authorized Agent:

N/A

**Environmental Resource Permit
State-owned Submerged Lands Authorization – Granted**

**U.S. Army Corps of Engineers Authorization
– Separate Corps Authorization Required**

Walton County
Permit No.: 66-0274274-010-EI
SSL Dedication No.: 24588 and 24588-A

Permit Issuance Date: May 30, 2014

Permit Construction Phase Expiration Date: May 30, 2019

Consolidated Environmental Resource Permit and Sovereignty Submerged Lands Authorization

Permittee/Grantee: Joy Swanson, Permits Coordinator – FDOT District 3
Permit No: 66-0274274-010-EI

PROJECT LOCATION

The activities authorized by this permit and sovereignty submerged lands authorization are located along the SR83/US 331 Choctawhatchee Bay Bridge, between Santa Rosa Beach and Freeport, Florida, in Sections 4 and 29, Township 2S, Range 19W in Walton County, at lat 30° 24' 18.15"/long -86° 9' 59.85".

PROJECT DESCRIPTION

The permittee is authorized to construct a park, a new northbound bridge on the east side of the current bridge, and reconstruction on the current causeway, for a distance of 3.4 miles, to provide a four lane evacuation route, including a stormwater management system. The project includes approximately 0.41 acres of impact to saltmarsh fringe wetlands, approximately 2.33 acres of fill impacts within sovereignty submerged lands, and 1.12 acres of riprap revetment within sovereignty submerged lands. The activities will occur within the landward extent of and within Choctawhatchee Bay, a Class II waterbody, conditionally approved (west side) and prohibited (east side) for shellfish harvesting. Activities are within the existing Sovereignty Submerged Lands Dedication Numbers 24588 and 24588-A to the State Road Department (now called the Florida Department of Transportation) to construct/improve/maintain SR 83. Authorized activities are depicted on the attached exhibits.

To offset 0.193 UMAM units of wetland functional loss from unavoidable impacts that will occur from these authorized activities, the permittee shall 1) purchase 0.07 estuarine UMAM mitigation credits from the Live Oak Peninsula mitigation bank; and 2) construct an oyster reef breakwater between PI STA 369+50 and PI STA 377+00, and enhance/create 0.89 acres of saltmarsh fringe wetlands and 0.14 acres of upland transitional area landward of the new and existing breakwaters by planting appropriate species of low marsh, high marsh, and transitional vegetation between PI STA 360+50 and PI STA 377+00 on the west side of the existing north causeway. Acreage of planted areas shall be as follows: low marsh (Zone A) – 0.27 acres (11,925 sq. ft.), high marsh (Zone B) – 0.48 acres (20,762 sq. ft.), and transitional area (Zone C) – 0.19 acres upland, 0.14 acres wetland (total 14,241 sq. ft.). Onsite mitigation details are depicted on the attached exhibits.

AUTHORIZATIONS

Project Name: Choctawhatchee Bay Bridge

Environmental Resource Permit

The Department has determined that the activity qualifies for an Environmental Resource Permit. Therefore, the Environmental Resource Permit is hereby granted, pursuant to Part IV of Chapter 373, Florida Statutes (F.S.), and Chapter 62-330, Florida Administrative Code (F.A.C.).

Sovereignty Submerged Lands Authorization

The activity is located on sovereignty submerged lands owned by the State of Florida. It therefore also requires authorization from the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees), pursuant to Article X, Section 11 of the Florida Constitution, and Section 253.77, F.S. As staff to the Board of Trustees under Sections 253.002, F.S., the Department has determined that the activity is authorized under the existing Sovereignty Submerged Lands Dedication Numbers 24588 and 24588-A, as long as the work performed is located within the boundaries as described and is consistent with the terms and conditions herein.

Federal Authorization

A copy of this permit has been sent to the U.S. Army Corps of Engineers (USACE). The USACE may require a separate permit. Failure to obtain any required federal permits prior to construction could subject you to enforcement action by that agency.

Coastal Zone Management

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

Water Quality Certification

This permit also constitutes a water quality certification under Section 401 of the Clean Water Act, 33 U.S.C. 1341.

Other Authorizations

You are advised that authorizations or permits for this activity may be required by other federal, state, regional, or local entities including but not limited to local governments or municipalities. This permit does not relieve you from the requirements to obtain all other required permits or authorizations.

The activity described may be conducted only in accordance with the terms, conditions and attachments contained in this document. Issuance and granting of the permit and authorizations herein do not infer, nor guarantee, nor imply that future permits, authorizations, or modifications will be granted by the Department.

PERMIT/SOVEREIGNTY SUBMERGED LANDS CONDITIONS

The activities described 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 beginning the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings herein. If you are using a contractor, the contractor also should read and understand these conditions and drawings prior to beginning any activity. Failure to comply with

these conditions, including any mitigation requirements, shall be grounds for the Department to revoke the permit and authorization and to take appropriate enforcement action.

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

SPECIFIC CONDITIONS - PRIOR TO ANY CONSTRUCTION

1. Prior to construction commencement, the permittee shall provide documentation that 0.07 estuarine credits were deducted from the Live Oak Peninsula UWRMP mitigation credit ledger pursuant to Specific Condition 12.

2. Best management practices (primarily turbidity screens) for erosion and turbidity control shall be installed prior to commencement of construction activities, and shall be maintained at all times during construction and operation of the permitted activity to prevent siltation and turbid discharges in excess of Class II state water standards pursuant to Chapter 62-302, F.A.C. The permittee shall be responsible for ensuring that erosion and turbidity 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. Monitoring for turbidity shall be conducted in accordance with Specific Conditions 31 through 36.

SPECIFIC CONDITIONS – CONSTRUCTION ACTIVITIES

3. 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

4. The construction phase expires at 11:59 p.m. on the date indicated on the cover page of this permit. If construction of the stormwater management system authorized by this environmental resource permit has not been completed and continued use of the system formally transferred to the operating phase before the expiration date of the permit, or an authorized extension, then at least 60 days before such expiration date, the permittee shall apply for another individual stormwater permit, using the forms and accompanied by the fee required by rules in effect at that time.

5. If the approved permit drawings conflict with the Specific Conditions, then the Specific Conditions shall prevail.

6. All wetland areas or waterbodies which are outside the specific limits of construction authorized by this permit must be protected from erosion, siltation, scouring, and/or dewatering.

7. There shall be no storage or stockpiling of tools, materials (i.e., pilings, debris) within wetlands, along the shoreline within the littoral zone or elsewhere within waters of the state unless specifically approved in the permit. 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.

8. All watercraft associated with the authorized construction activities shall only operate within waters of sufficient depth so as to preclude bottom scouring/prop dredging.
9. Any fill material used shall be clean fill and free of vegetative matter, trash, garbage, toxic or hazardous waste or any other unsuitable materials.
10. The riprap revetment shall be constructed in accordance with the specifications shown on the attached permit drawings.
11. Substances in concentrations which injure, are chronically toxic to, or produce adverse physiological or behavioral response in humans, animals, or plants – none shall be present.

SPECIFIC CONDITIONS – MITIGATION

12. Prior to construction commencement, the permittee shall provide documentation that 0.07 estuarine credits were deducted from the Live Oak Peninsula UWRMP mitigation credit ledger. Documentation may be emailed to Andrew.Joslyn@dep.state.fl.us or mailed to FDEP, CAP, 160 W Government Street, Pensacola, FL 32502.

13. On-site mitigation planting and breakwater construction shall be completed no later than 30 days after bridge construction is completed. Planting and breakwater construction shall be completed/constructed as shown in the attached drawings.

14. Signs large enough to be legible by pedestrians shall be placed every 100 feet along the landward boundary of the mitigation area. Signs shall contain the following wording: “Wetland Conservation Area – removal or destruction of vegetation is prohibited”.

15. The on-site mitigation area shall be protected in perpetuity. However, if future bridge modifications require disturbance of the mitigation area described in this permit, the permittee shall submit a replacement mitigation plan to the Department for review and approval. The replacement mitigation plan shall offset the same amount and type of functional loss that is offset by the mitigation area proposed for disturbance, plus additional time lag and risk calculated in accordance with Chapter 62-345, F.A.C.

16. Upon completion of the mitigation planting and breakwater construction, a monitoring event shall be conducted within 60 days to create a Time Zero Monitoring Report. The Time Zero Monitoring Report shall contain:

- a. Permanent fixed photostations at key vantage points throughout the wetland mitigation area;
- b. An estimate of percent survivorship by species;
- c. Herbaceous and shrub layer composition and percent cover of planted and recruited native species;
- d. Herbaceous and shrub layer composition and percent cover of recruited nuisance and exotic vegetative species;
- e. General notes on the average water depths, soil moisture conditions, and structural integrity of the oyster bag breakwaters; and
- f. Incidental wildlife observations

17. The on-site mitigation area shall be monitored on a semi-annual basis for the first three years, with annual monitoring reports submitted to the Department within 30 days of the second monitoring event annually. If mitigation success is not reached after the first three years, monitoring shall continue on an annual basis until success is achieved. The semi-annual monitoring events shall be conducted in the spring and fall of each year, and annual monitoring reports shall be submitted after the fall monitoring event. The purpose of the monitoring is to evaluate the success of the mitigation sites in accordance with the success criteria in Specific Condition 19.

18. The annual monitoring report shall include the following:

- a. Maps showing the transect and photostation locations;
- b. Summary of the results compared to permit success criteria;
- c. Table comparing various success criteria parameters to prior sampling results;
- d. Evaluation of the success of the maintenance efforts to date; and
- e. Recommendation for any remedial actions that are necessary to ensure the success of the mitigation areas.

19. Mitigation success criteria is as follows:

- a. The mitigation area shall have at least 80% cover by appropriate wetland species (i.e., FAC, FACW, or OBL)
- b. Cover of Category I and II invasive exotic plant species, pursuant to the most current list established by the Florida Exotic Pest Plant Council (FLEPPC) at www.fleppc.org, and the nuisance species common reed (*Phragmites australis*) and cattail (*Typha spp.*) shall not exceed 5 percent cover.

20. If the on-site mitigation fails to meet performance standards after five years, an alternative mitigation plan shall be submitted to the Department for review and approval.

SPECIFIC CONDITIONS – CLASS II SHELLFISH HARVESTING WATERS

21. An adequate number of self-contained sanitary facilities (i.e., portable toilets) shall be placed in upland areas during construction activities to prevent contamination of nearby conditionally approved shellfish harvesting waters.

SPECIFIC CONDITIONS FOR LISTED SPECIES

22. The Florida Fish and Wildlife Conservation Commission's (FWC) Manatee and Sea Turtle Construction Conditions for In-water Work Associated with Florida Department of Transportation Projects (2012) (Exhibit 3) shall be followed for all in-water activity.

23. The National Marine Fisheries Service (NMFS) Sea Turtle and Smalltooth Sawfish Construction Condition guidelines (Exhibit 4) shall be followed for all in-water activity.

24. The NMFS and US Fish and Wildlife Service (USFWS) Construction Special Provisions, Gulf Sturgeon Protection Guidelines (2012) (Exhibit 5) shall be followed for all in-water activity.

25. For the protection of Gulf sturgeon, no in-water work activities shall occur during the primary migration windows (during the months of March, April, September, or October).

26. Wildlife conservation measures for pile-driving activities under this authorization shall be submitted to the Department and the FWC at (ImperiledSpecies@myfwc.com) for review and approval no later than 45 days prior to the scheduled commencement of the activities authorized in this permit. These conservation measures shall be submitted as a wildlife protection plan that summarizes the proposed offsetting measures from the sounds and pressure wave impacts associated with pile-driving. Examples include a monitoring/watch program, establishment of a safety zone, no in-water work windows, restriction of operating hours, and procedures for implementation of ramp-up and implementation of shutdown. After approval, the wildlife protection plan shall be followed for all pile-driving activities associated with this authorization.

27. To minimize lighting impacts to marine turtles, bridge lights that meet dark sky standards to minimize visibility from nearby sea turtle nesting beaches as well as their contribution to cumulative sky glow are recommended. The FWC (ImperiledSpecies@myfwc.com) is available for consultation regarding wildlife-friendly lights, which include use of full cutoff, well-shielded fixtures fitted with long wavelength light sources, such as low pressure sodium or amber LED. High pressure sodium fixtures may be acceptable if well shielded, however metal halide lights are not recommended.

SPECIFIC CONDITIONS – OPERATION AND MAINTENANCE ACTIVITIES

28. The ‘Stormwater Operation/Maintenance Plan’ (Exhibit 2), as approved and enclosed with this permit, shall be implemented.

29. 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 W. Government Street, Pensacola, Florida, 32502.

SPECIFIC CONDITIONS – TURBIDITY

30. Best management practices (primarily turbidity screens) for erosion and turbidity control shall be implemented and maintained at all times during construction and operation of the permitted activity to prevent siltation and turbid discharges in excess of State water standards pursuant to Chapter 62-302, F.A.C. The permittee shall be responsible for ensuring that erosion and turbidity 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.

31. Measurements must be acquired in adherence to the Department’s Standard Operating Procedure (SOP) for field turbidity, available at the website: <http://www.dep.state.fl.us/water/sas/qa/docs/62-160/ft-1600-field-turbidity.pdf>. More specifically, the instruments used to measure turbidity shall be fully calibrated within one month prior to commencement of the project, and at least once a month thereafter during the project. Calibration shall be verified each morning prior to use, and after each time the instrument is turned on, using a turbidity “standard” that is different from the one used during calibration. Calibration procedures shall be recorded in a permanent logbook, and copies must be submitted with the data.

32. 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.

Turbidity sampling sites shall be located approximately 25 feet outside of the turbidity curtain at a point closest to any active construction activities at the center of any visible plume (if a plume is present). One sample for each construction area is required if construction activities are occurring at two different locations at the same time. These sites shall be established on a transect extending down current from the turbidity source.

Samples shall be collected from surface, mid-depth and one foot above bottom. Mid-depth samples are sufficient in water that is less than five feet deep. Sampling will be restricted to the axis of the visible plume. Samples will be collected at the intersection of the mixing zone boundary and a line parallel with the water current and extending from the source of turbidity if a plume is not visible.

Background samples shall be collected 100 feet upcurrent and outside of the turbidity curtain. These samples will be collected at surface, mid-depth, and one-foot above bottom.

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 29 NTUs above background, the permittee shall cease all work pursuant to Specific Condition 36.

33. Turbidity monitoring reports shall be submitted to the Department each Monday following project commencement; reports shall include the permittee name and permit number. When submitting this information to the Department, please include, at the top of each page or as a cover page to the submittal: "This information is being provided in partial fulfillment of the monitoring requirements in Permit No. 66-0274274-010-EI." Failure to submit reports in a timely manner constitutes a violation of the permit and may be grounds for revocation. Reports may be submitted by email to Andrew.Joslyn@dep.state.fl.us.

34. Monitoring data shall contain the following information:

- a. Permit number;
- b. Dates of sampling and analysis;
- c. A statement describing the methods used in collection and analysis of the samples;
- d. A map showing the sampling locations, along with indicating the latitude and longitude;
- e. Copies of the Quality Assurance/Quality Control log; and
- f. A statement by the individual responsible for implementation of the sampling program concerning the authenticity, precision and accuracy of the data;

35. Monitoring reports shall also include the following information for each sample that is taken:

- a. Time of day samples taken;
- b. Depth of water body;
- c. Depth of sample;
- d. Tidal stage and direction of flow; and
- e. Antecedent weather conditions, including wind direction and velocity.

36. If monitoring reveals turbidity levels greater than or equal to 29 NTUs above background levels, 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 less than 29 NTUs above background levels. Interim samples collected following the violation (s) shall be collected in the same manner and locations as the routine monitoring. Operations may not resume until the turbidity levels have returned to less than 29 NTUs above background.
- d. The violation(s) shall be immediately reported to the Department. 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. Reports and data may be submitted by email to Andrew.Joslyn@dep.state.fl.us.

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.

GENERAL CONDITIONS FOR INDIVIDUAL PERMITS

The following general conditions are binding on all individual permits issued under chapter 62-330, F.A.C., except where the conditions are not applicable to the authorized activity, or where the conditions must be modified to accommodate project-specific conditions.

1. All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with Rule 62-330.315, F.A.C. Any deviations that are not so authorized may subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S.
2. A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase, and shall be available for review at the work site upon request by the

Agency staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.

3. Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation June 2007)*, and the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008)*, which are both incorporated by reference in subparagraph 62-330.050(9)(b)5., F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.

4. At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the Agency a fully executed Form 62-330.350(1), "Construction Commencement Notice," [October 1, 2013], which is incorporated by reference in paragraph 62-330.350(1)(d), F.A.C., indicating the expected start and completion dates. A copy of this form may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C. If available, an Agency website that fulfills this notification requirement may be used in lieu of the form.

5. Unless the permit is transferred under Rule 62-330.340, F.A.C., or transferred to an operating entity under Rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms and conditions of the permit for the life of the project or activity.

6. Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:

- a. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex – "Construction Completion and Inspection Certification for Activities Associated with a Private Single-Family Dwelling Unit" [Form 62-330.310(3)]; or
- b. For all other activities – "As-Built Certification and Request for Conversion to Operational Phase" [Form 62-330.310(1)].
- c. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.

7. If the final operation and maintenance entity is a third party:

- a. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as- built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.3 of Volume I) as filed with the Department of State, Division of Corporations and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.
- b. Within 30 days of submittal of the as- built certification, the permittee shall submit "Request for Transfer of Environmental Resource Permit to the Perpetual Operation Entity" [Form 62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the

documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.

8. The permittee shall notify the Agency in writing of changes required by any other regulatory agency that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.

9. This permit does not:

- a. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;
- b. Convey to the permittee or create in the permittee any interest in real property;
- c. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
- d. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.

10. Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.

11. The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.

12. The permittee shall notify the Agency in writing:

- a. Immediately if any previously submitted information is discovered to be inaccurate; and
- b. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer of the permit in accordance with Rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.

13. Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.

14. If any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, work involving subsurface disturbance in the immediate vicinity of such discoveries shall cease. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section, at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Such subsurface work shall not resume without verbal or written authorization from the Division of Historical Resources. If

unmarked human remains are encountered, all work shall stop immediately and notification shall be provided in accordance with Section 872.05, F.S.

15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.

16. The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other uplands in a manner that does not require a permit under Chapter 62-330, F.A.C., or cause violations of state water quality standards.

17. This permit is issued based on the applicant's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the Agency will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.

18. A Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with subsection 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.

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.

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, 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.

NOTICE OF RIGHTS

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the application.

Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rule 28-106.201, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, any email address, any facsimile number, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

Time Period for Filing a Petition

In accordance with subsection 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication. The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in

this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

Extension of Time

Under subsection 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when this order is filed with the Clerk of the Department.

Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 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 this action is filed with the Clerk of the Department.

If you have any questions regarding this matter, please contact Heather Mason for Wetland/SSL matters at the letterhead address, at (850) 595-0608, or by e-mail at Heather.Mason@dep.state.fl.us. For any stormwater matters, please contact Rich Boelens at the letterhead address, at (850) 595-0567, or by e-mail at Richard.Boelens@dep.state.fl.us.

Executed in Escambia County, Florida

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



For Elizabeth Mullins Orr
Program Administrator
Water Resource Management

Enclosures:

- Exhibit 1, Project Drawings, 62 pages
- Exhibit 2, Stormwater Operation/Maintenance Plan, 1 page
- Exhibit 3, Manatee and Sea Turtle Construction Conditions for In-water Work Associated with Florida Department of Transportation Projects (2012), 2 pages
- Exhibit 4, Sea Turtle and Smalltooth Sawfish Construction Condition guidelines, 1 pages
- Exhibit 5, Construction Special Provisions, Gulf Sturgeon Protection Guidelines, 2 pages

Copies of 62-330 forms can be obtained at:
<http://www.dep.state.fl.us/water/wetlands/erp/forms.htm>

cc:

DEP, Office of General Counsel
Melinda Witgenstein, U.S. Army Corps of Engineers (melinda.m.witgenstein@usace.army.mil)
FWC, Imperiled Species Management Section
Walton County
Department of Economic Opportunity
Shane Supple, Walton County Recreation Department (supshane@co.walton.fl.us)
Charles Rudie, Parsons Brinckerhoff (rudie@pbworld.com)
John Littlefield, Parsons Brinckerhoff (littlefiel@pbworld.com)
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Mary Duncan, FWC (mary.duncan@myfwc.com)
Jeff Wilcox, FWC (jeff.wilcox@myfwc.com)
Mary Mittaga, USFWS (mary.mittaga@fws.gov)
Diana Ferrell, Interested Party (diana.ferrell@yahoo.com)
File

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this permit and authorization to use sovereignty submerged lands, including all copies, were mailed/mailed before the close of business on May 30, 2014, to the above listed persons.

FILING AND ACKNOWLEDGMENT

FILED, on this date, under 120.52(7), F.S.,
with the designated Department Clerk,
receipt of which is hereby acknowledged.

Brandy Baos 5/30/2014
Clerk Date

68 pages attached