



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
Panama City Regulatory Office
1002 West 23rd Street, Suite 350
Panama City, Florida 32405-3648

Regulatory Division
North Permits Section
SAJ-2005-3585 (IP-DEB)

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

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

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

Sincerely,

for Lawrence C. Evans
Chief, Regulatory Division

Enclosures

Copies Furnished:

Brian Bearwood, David H. Melvin, Inc., Marianna
NWFWM, Havana

Mary Mittiga, FWS, Panama City

PLEASE COMPLETE THE FOLLOWING QUESTIONS BY GIVING US
ANY COMMENTS OR SUGGESTIONS FOR HOW WE CAN IMPROVE.

Please indicate the nature of your business (If applicable, check more than one):

- | | | |
|--|---|--|
| <input type="checkbox"/> Property developer | <input type="checkbox"/> Flood/Water Control District | <input type="checkbox"/> Sand & Gravel |
| <input type="checkbox"/> Public Agency Applicant | <input type="checkbox"/> Consultant | <input type="checkbox"/> Law Office |
| <input type="checkbox"/> Civic or Trade Organization | <input type="checkbox"/> Farming/Ranching | <input type="checkbox"/> Silviculture |
| <input type="checkbox"/> Member of Legislature | <input type="checkbox"/> Public Agency | <input type="checkbox"/> Mining |
| <input type="checkbox"/> Federal/State/Local | <input type="checkbox"/> Personal/Private Project | <input type="checkbox"/> Media |
| <input type="checkbox"/> Conservation Organization | <input type="checkbox"/> Adjacent Property Owner | <input type="checkbox"/> Native American |
| <input type="checkbox"/> Other (describe): _____ | | |

What Service(s) Did You Seek From the Corps? (If applicable, check more than one):

- | | |
|--|--|
| <input type="checkbox"/> General Information | <input type="checkbox"/> Jurisdictional/wetland determination |
| <input type="checkbox"/> Pre-application Consultation | <input type="checkbox"/> Resolution of violation/non-compliance |
| <input type="checkbox"/> Nationwide general permit | <input type="checkbox"/> Regulatory Program presentation |
| <input type="checkbox"/> Regional or programmatic general permit | <input type="checkbox"/> Commented on Public Notice/permit application |
| <input type="checkbox"/> Standard individual permit | <input type="checkbox"/> Other (describe): _____ |
| <input type="checkbox"/> Letter of Permission | |

Which Corps office (District, Division, Headquarters, other) did you deal with? _____

Name of person you contacted in our office (optional): _____

Do you have any comments or suggestions on the Regulatory Program?

Information about you (optional):

Name/Title: _____

Address: _____

Telephone (include area code): _____

May we contact you? YES ☐ NO ☐

Authorities: The government Performance and Results Act of 1993 and Executive Order (EO) 12862, "Setting Customer Service Standards", dated September 11, 1993. Purpose: To determine the quality of services our customers expect, as well as their satisfaction with USACE's existing services. Information provided on this form will be used in evaluating the performance of the Corps Regulatory Program. Routine Uses: This information may be shared with the Office of Management and Budget, members of Congress, and other federal, state, and local government agencies. Disclosure: Providing requested information is voluntary. Failure to provide this information will not result in an adverse action.

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Florida Department of Transportation		File Number: SAJ-2005-3585(IP-DEB)	Date: May 5, 2006
Attached is:			See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)		A
X	PROFFERED PERMIT (Standard Permit or Letter of permission)		B
	PERMIT DENIAL		C
	APPROVED JURISDICTIONAL DETERMINATION		D
	PRELIMINARY JURISDICTIONAL DETERMINATION		E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/inet/functions/cw/ccow/reg> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.*
- OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.*

B: PROFFERED PERMIT: You may accept or appeal the permit

- ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.*
- APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.*

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.*
- APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.*

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION

If you have questions regarding this decision and/or the appeal process you may contact:

Dale E. Beter, Sr. Project Manager
Jacksonville District
Panama City Field Regulatory Office
1002 West 23rd Street, Suite 350
Panama City, Florida 32405
Phone: (850) 763-0717, #57

If you only have questions regarding the appeal process you may also contact:

Michael F. Bell
404-562-5137

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number:

This notice of authorization must be conspicuously displayed at the site of work

United States Army Corps of Engineers EXPIRES: (May 5, 2011)

A permit to impact approximately 3.96 acres of waters of the United States to improve approximately 15.95 miles of SR73, from SR20 to SR71, from SR73, located in Sections 11 and 3, Township 3 south, and Range 10 west; Sections 2, 3, 10, 15, 21, 22, 24, 28, and 33, Township 2 south, and Range 10 west; and Sections 1, 11, 14, 23, 25, and 26, Township 1 south, and Range 10 west, Calhoun County, Florida,

has been issued to: Florida Department of Transportation
 1074 Highway 90
 Chipley, Florida 32428

on May 5, 2006

SAJ-2005-3585 (IP-DEB)

Kevin D. O'Kane
for **Robert M. Carpenter**
Colonel, U.S. Army
District Engineer

This notice of authorization must be conspicuously displayed at the site of work

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SAJ-2005-3585 (IP-DEB)

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District Engineer



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

DEPARTMENT OF THE ARMY PERMIT

Permittee: Florida Department of Transportation
1074 Highway 90
Chipley, Florida 32428

Permit No. SAJ-2005-3585 (IP-DEB)

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 permittee is authorized to impact approximately 3.96 acres of waters of the United States to improve approximately 15.95 miles of SR73, from SR20 to SR71. Specific improvements include widening the existing pavement from 20' to 34', re-shaping side slopes, re-aligning swales, and replacing existing cross drains and box culverts. Approximately 3.88 acres of impacts will occur in jurisdictional ditches and swales. The remaining 0.08 acre of impacted waters is associated with the extension of three box culverts. The project is as shown and described on attached plans numbered SAJ-2005-3585 (IP-DEB) in 25 sheets, dated May 5, 2006.

Project Location: The project is located waters of the United States, Chipola watershed, along SR73, from SR20 to SR71, in Sections 11 and 3, Township 3 south, and Range 10 west; Sections 2, 3, 10, 15, 21, 22, 24, 28, and 33, Township 2 south, and Range 10 west; and Sections 1, 11, 14, 23, 25, and 26, Township 1 south, and Range 10 west, Calhoun County, Florida.

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Permit Number: SAJ-2005-3585 (IP-DEB)
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Geographic Position: Latitude 30° 20' 25" North
Longitude 85° 13' 02" West

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on May 5, 2011. 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 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 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:

The attached Special Conditions are applicable only to the above referenced Permit Number:

1. Fill material used for this project shall be limited to suitable, clean fill material, which excludes items such as trash, debris, car bodies, asphalt, construction materials, concrete block with exposed reinforcement bars, and soils contaminated with any toxic substance, in toxic amounts (see Section 307 of the Clean Water Act).
2. Reduction and/or elimination of turbid water conditions and the erosion of disturbed or filled areas in adjacent waterbodies and wetlands are to be achieved through the use of silt curtains or screens, between the construction area and wetlands or surface waters, during periods of fill placement. Such devices shall be properly maintained until such time as those disturbed areas become sufficiently stabilized by natural recruitment of vegetation or other measures.
3. Best management practices shall be employed to prevent siltation of adjacent waters and wetlands during construction.
4. Concurrent with the commencement of authorized construction activities, and within one year of the date of issuance of this permit, the permittee agrees to provide preservation and enhancement of 30 acres of freshwater wetlands at an offsite tract of land referred to as the 'Anders Tract' according to the attached *Mitigation (and Monitoring) Plan and Activity Schedule*. All preserved wetlands and uplands are to be maintained in perpetuity in their natural, preserved, and if applicable, restored/enhanced conditions as required by this permit.
5. Within one year of commencement of the mitigation activities the permittee will provide annual monitoring reports in order to evaluate the success of the mitigation activities in accordance with the attached *Mitigation (and Monitoring) Plan* and the conditions of this permit. Monitoring Reports will be provided for a period of 5 years, or until success of the following criteria is achieved for two years:

(a) Control or eradication of exotic/invasive plant species so that the mitigation site contains $\leq 1\%$ exotic, and $\leq 5\%$ native-invasive plant species including, but not limited to, the following: non-native pasture grasses, Chinese privet (*Ligustrum sinense*), Chinese tallow (*Sapium sebiferum*) Japanese climbing-fern (*Lygodium japonicum*), kudzu (*Pueraria montana*), primrose willow (*Ludwigia spp.*) and cogon grass (*Imperata cylindrica*),

(b) maintaining a dominant cover of native, suitable plant species in the wetland and upland buffer areas appropriate for the type of wetland community,

(c) overall, maintaining ecological and hydrological conditions so that the following post-development Unified Mitigation Assessment method (UMAM) scores are met, or exceeded, for each community type:

Anders Tract -Target Community	UMAM Scores		
	Location	Water Environment	Vegetation
Forested/Shrub Wetland-9 acres	8	9	10
Hydric Flatwoods-21 acres	8	9	10

6. In addition to the data and analysis required by the attached Mitigation and Monitoring Plan, and the conditions of this permit, Monitoring Reports shall provide an ecological assessment of the mitigation area(s) based on analysis of following data collected at each transect, or fixed-sample point located in wetlands, which are representative of all communities found within the mitigation area:

(a) Identification and description of the target plant community (i.e., FNAI or FLUCCS coding) being assessed,

(b) dominant groundcover plant species and percent cover,

(c) dominant canopy plant species and percent cover (in forested systems),

(d) exotic/invasive plant species (see list of exotic plant species referenced, above) and percent cover,

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(e) a functional assessment of each community, based on an approved assessment method (i.e., UMAM), to be conducted during the growing season,

(f) a description of any unusual climatic conditions or natural phenomenon (i.e., burns, floods, drought etc.),

(g) panoramic photos for each community, and

(h) a determination if target communities have become established and/or if success criteria have been met.

7. To protect the ecological integrity of the mitigation area and to facilitate reaching the established success criteria (based on WRAP), hunting and silvicultural activities shall be prohibited.

8. Within 90 days from permit issuance, the Permittee will have a legally sufficient conservation easement prepared to ensure that the wetland areas will remain in their natural state in perpetuity. The conservation easement will encompass approximately 30 acres of offsite wetlands located approximately 14 miles west of the project area, in Section 15, Township 1 north, and Range 12 west, Bay County, Florida. Geographic coordinates for the offsite mitigation area are as follows: 30° 29' 18 North, and 85° 25' 47" West. These natural preserve areas will not be disturbed by any dredging, filling, land clearing, agricultural activities, planting, or other construction work whatsoever. The Permittee agrees that the only future utilization of the preserved areas in question will be as a purely natural area.

9. The Permittee will prepare the conservation easements, including a legal description, survey, and scale drawings, of the areas in question. The Permittee will furnish this information to Regulatory Division, Enforcement Branch, Post Office Box 4970, Jacksonville, Florida 32232-0019, for legal review and approval.

10. Within 30 days of U.S. Army Corps of Engineers' approval of the proposed easement, the Permittee will record the easement in the public records of Bay County, Florida. A certified copy of the recorded document, plat, and verification of acceptance from the grantee will be forwarded to the Jacksonville District Office.

11. The Permittee must show that it has clear title to the real property and can legally place it under a conservation easement. Along with the submittal of the draft conservation easement, the Permittee shall submit a title insurance commitment, in favor of the grantee, for the property, which is being offered for preservation. Any existing liens or encumbrances on the property must be subordinated to the conservation easement. At the time of recordation of the conservation easement, a title insurance policy must be provided to the Corps in an amount equal to the current market value of the property.

12. In the event the permit is transferred, proof of delivery of a copy of the recorded conservation easement to the subsequent Permittee or Permittees must be submitted to the Corps together with the notification of permit transfer.

13. Grantee shall not assign its rights or obligations under this conservation easement except to another organization qualified to hold such interests under the applicable state and federal laws, including §704.06 Florida Statutes, and committed to holding this conservation easement exclusively for conservation purposes. The Corps shall be notified in writing of any intention to reassign the conservation easement to a new grantee and must approve selection of the grantee. The new grantee must accept the assignment in writing and a copy of this acceptance delivered to the Corps. The conservation easement must be re-recorded and indexed in the same manner as any other instrument affecting title to real property and a copy of the recorded conservation easement furnished to the Corps.

14. The permittee shall provide as-built drawings of the authorized work, including mitigation, and a completed As-Built Certification Form. The drawings and Certification Form are to be submitted within 60 days of completion of the authorized work, including mitigation, or at the expiration of the construction authorization of the permit, whichever comes first. The drawings and Certification Form must be signed and sealed by a professional engineer registered in the State of Florida. In the event that the completed work deviates from the approved permit drawings and special conditions, the permittee shall describe, on the Certification Form, the deviations between the work authorized by the permit and the work as constructed. A blank form is attached. Please note that the depiction and description of the deviations on the drawings and Certification Form does not necessarily mean that the Corps will approve them. The drawings shall include the following: 1) Location of the

Permittee: Florida Department of Transportation
Permit Number: SAJ-2005-3585(IP-DEB)
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authorized work (including mitigation) footprint, as shown on the permit drawings, with an overlay of the work as constructed; 2) Clear indication of any deviations which have been described on the As-Built Certification Form; and 3) The Department of the Army Permit number. As-built drawings and Certification Forms shall be submitted to: U.S. Army Corps of Engineers. Mail the completed form to the Regulatory Division, Enforcement Branch, Post Office Box 4970, Jacksonville, Florida 32232-0019, RE: SAJ-2005-3585(IP-DEB).

15. If the approved permit drawings conflict with the permit special conditions, then the special conditions shall prevail.

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.

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

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

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

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corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

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Permit Number: SAJ-2005-3585(IP-DEB)
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Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

Guy S. Juddens
(APPLICANT NAME and TITLE)

5/18/06
(DATE)

District Permits Coordinator

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

Kenn D. O'Kane
(DISTRICT COMMANDER)

5/26/06
(DATE)

for

Robert M. Carpenter
Colonel, U.S. Army

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Permit Number: SAJ-2005-3585 (IP-DEB)
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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.

(TRANSFeree-SIGNATURE)

(DATE)

(NAME-PRINTED)

(ADDRESS)

(CITY, STATE, AND ZIP CODE)

Permittee: Florida Department of Transportation
Permit Number: SAJ-2005-3585(IP-DEB)
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DEPARTMENT OF THE ARMY PERMIT

Attachments to Department of the Army
Permit Number SAJ-2005-3585(IP-DEB)

1. PERMIT DRAWINGS: Included as Attachments #1 - 15, dated May 5, 2006.
2. MITIGATION, MAINTENANCE AND MONITORING PROCEDURES: All provisions of the mitigation and monitoring plan are incorporated into, and made part of, this permit, as Attachments #16 - 25, dated October 27, 2005.
3. WATER QUALITY CERTIFICATION: In accordance with General Condition number 5 on page 2 of this DA permit, the Florida Department of Environmental Protection Water Quality Certificate #07-0247586-005-DF (dated February 23, 2006) specific conditions are enclosed as Attachments #26 - 29.

AS-BUILT CERTIFICATION BY PROFESSIONAL ENGINEER

Submit this form and one set of as-built engineered drawings to Ms. Lisa Abernathy of the U.S. Army Corps of Engineers, Enforcement Branch, Post Office Box 4970, Jacksonville, Florida 32232-0019. If you have questions regarding this requirement, please contact the Enforcement Branch at 904-232-2070.

1. Department of the Army Permit Number: SAJ-2005-3585 (IP-DEB)

2. Permittee Information:

Name: _____

Address: _____

3. Project Site Identification:

Physical location/address: Project is a 15.95-mile linear project located along SR73, from SR20 to SR71, in Sections 11 and 3, Township 3 south, and Range 10 west; Sections 2, 3, 10, 15, 21, 22, 24, 28, and 33, Township 2 south, and Range 10 west; and Sections 1, 11, 14, 23, 25, and 26, Township 1 south, and Range 10 west, Calhoun County, Florida.

4. As-Built Certification:

I hereby certify that the authorized work 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)

Florida Reg. Number

Company Name

Address

City State ZIP

(Affix Seal)

Date

Telephone Number

Permittee: Florida Department of Transportation
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Deviations from the approved plans and specifications (attach additional pages if necessary):

LOCATION MAP

FINANCIAL PROJECT ID 409024-1-52-01
CALHOUN COUNTY
SR 73 FROM SR 71 TO SR 20

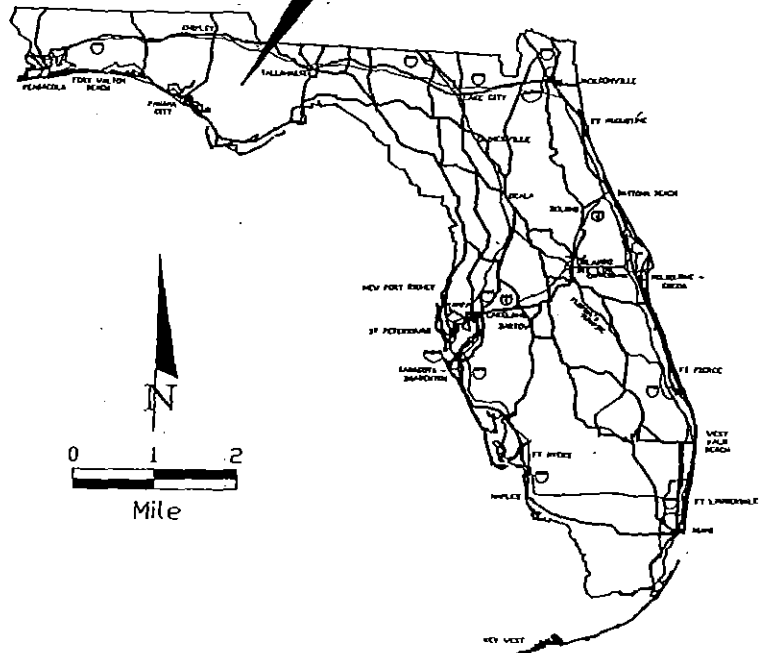
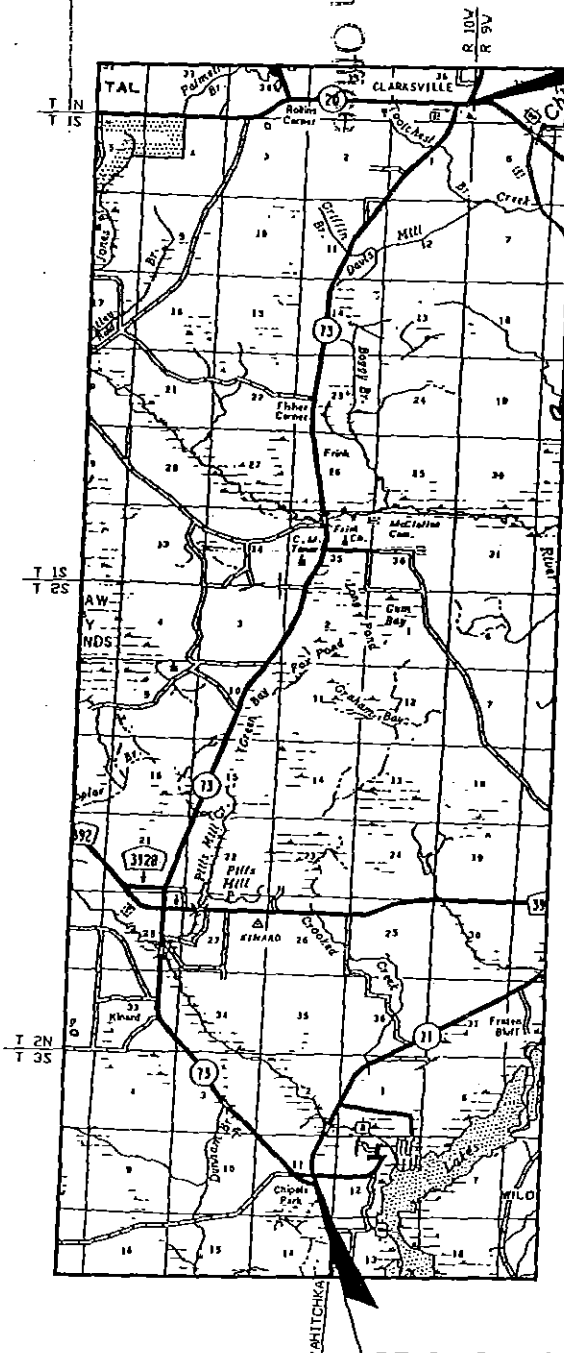
FDOT SR73/409024
SAJ-2005-3585-IP-TLZ
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APR - 8 2005

Tallahassee Branch Office
DEP

END PROJECT
STA. 833+26.09
MP 15.595

PROJECT LOCATION



Project Location:

From Pensacola, Take Interstate 10 East to U.S. 231 South in Cottondale. Take U.S. 231 South to SR 20. Take SR 20 East to SR 73 South. The intersection of SR 20 and SR 73 South is the End Project location.

LENGTH OF PROJECT		
	LINEAR FEET	MILES
ROADWAY	81,867.74	15.505
BRIDGES	N/A	N/A
NET LENGTH OF PROJECT	81,867.74	15.505
EXCEPTIONS	465.57	0.088
GROSS LENGTH OF PROJECT	82,333.31	15.593

FDOT PROJECT MANAGER: LISA SLAY



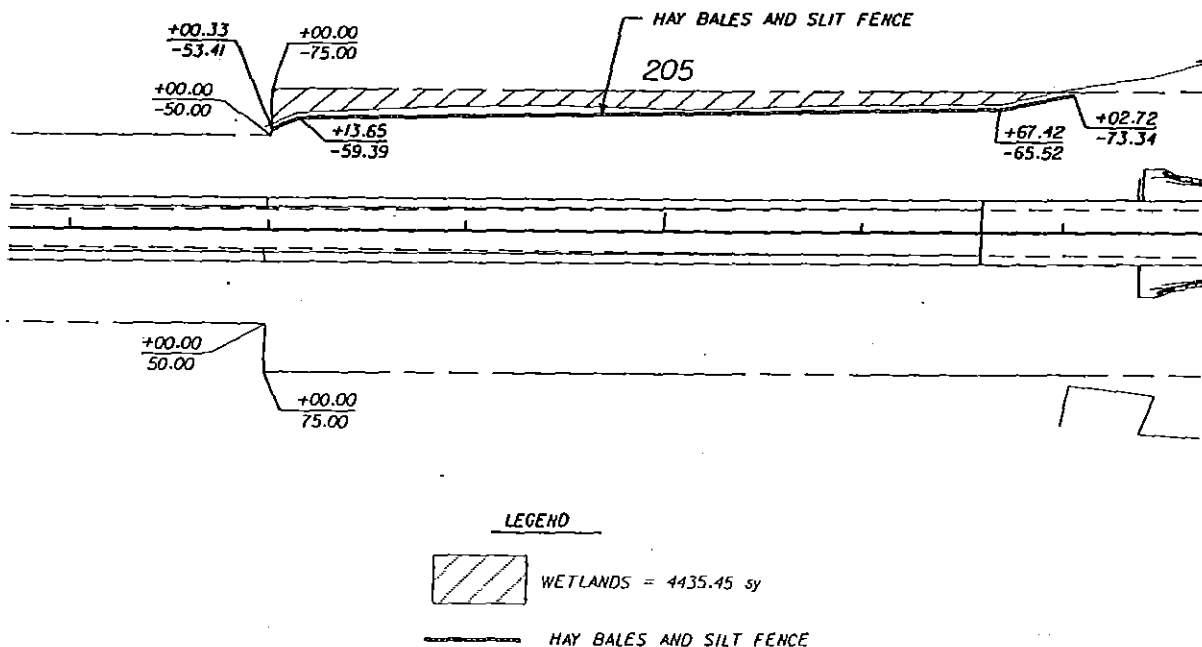
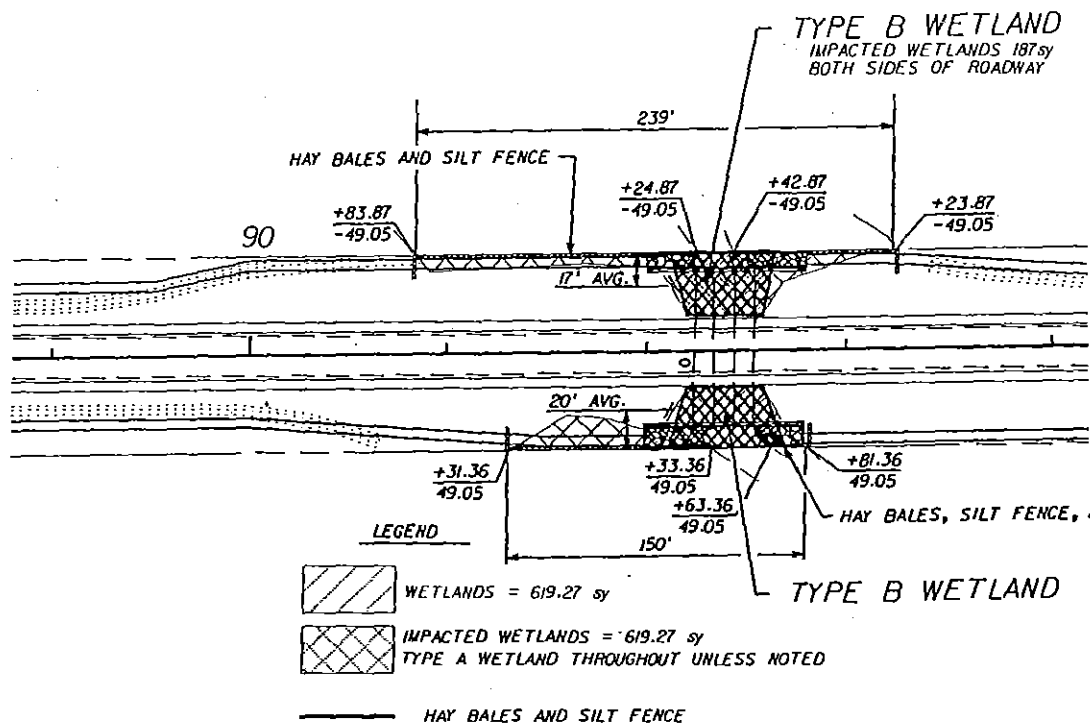
Army Corps
Engineers

AJ-2005-3585 (IP-DEB)

DEP#07-0247586-005-DF

DOT SR73 Improvements

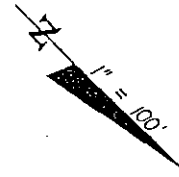
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SAJ-2005-3585-IP-TLZ
Page 2 of 15



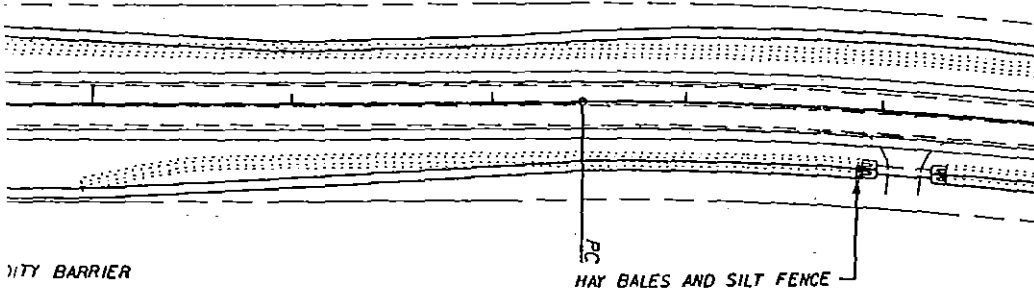
US Army Corps of Engineers
SAJ-2005-3585 (IP-DEB)
FDEP#07-0247586-005-DF
FL DOT SR73 Improvements

Sheet # 2 of 29 May 5, 2006

REVISIONS						ENGINEER OF RECORD:	DAVID H. MELVIN Consulting Engi.
DATE	BY	DESCRIPTION	DATE	BY	DESCRIPTION		
						LEON E. NOBLES III, P.E. No. 51452	4128 LAFAYETTE STREET TALLAHASSEE, FL 32310 18501482-3045 Certificate No. EB-0005637



95



SECURITY BARRIER

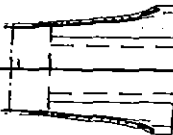
HAY BALES AND SILT FENCE

+20.25
-175.00

+95.25
-175.00



210



+95.25
250.00



US Army Corps
of Engineers

SAJ-2005-3585 (IP-DEB)

FDEP#07-0247586-005-DF

FL DOT SR73 Improvements

Sheet # 3 of 29 May 5, 2006

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NOT

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
SR 73	CALHOUN	409024-1-52-01

WETLANDS

SHEET
NO.

189



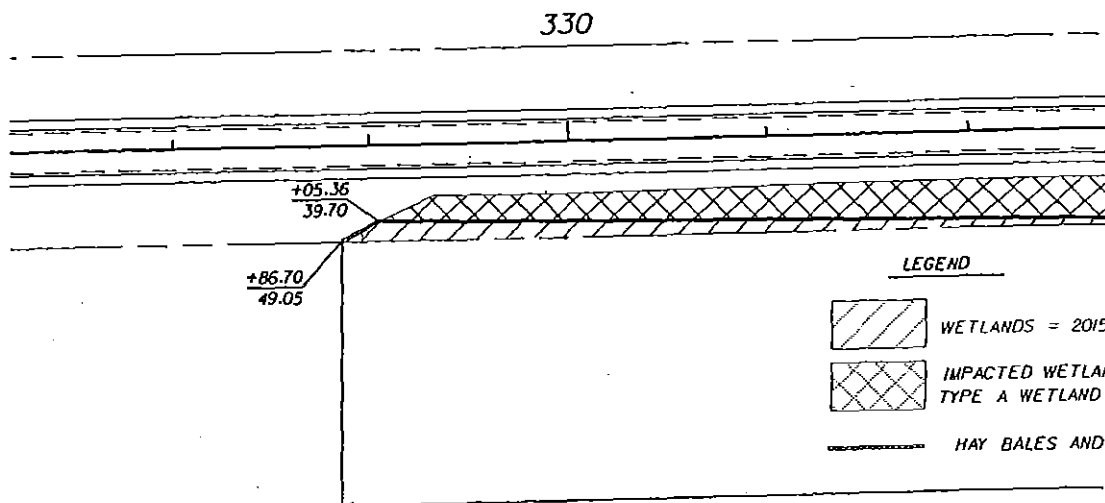
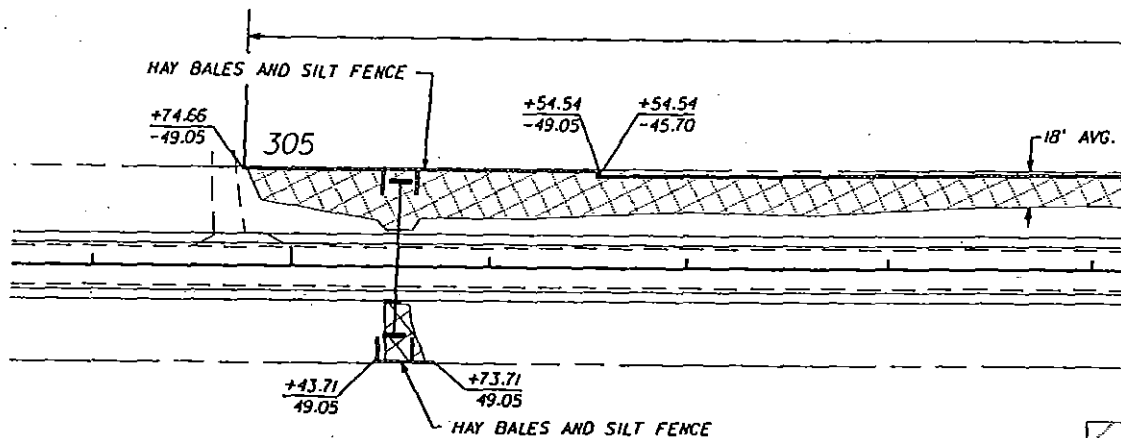
US Army Corps
of Engineers

SAJ-2005-3585 (IP-DEB)

FDEP#07-0247586-005-DF

FL DOT SR73 Improvements

Sheet # 4 of 29 May 5, 2006



LEGEND



WETLANDS = 2015

IMPACTED WETLAND
TYPE A WETLAND

HAY BALES AND

REVISIONS

DATE	BY	DESCRIPTION	DATE	BY	DESCRIPTION

ENGINEER OF RECORD:

LEON E. NOBLES III, P.E.

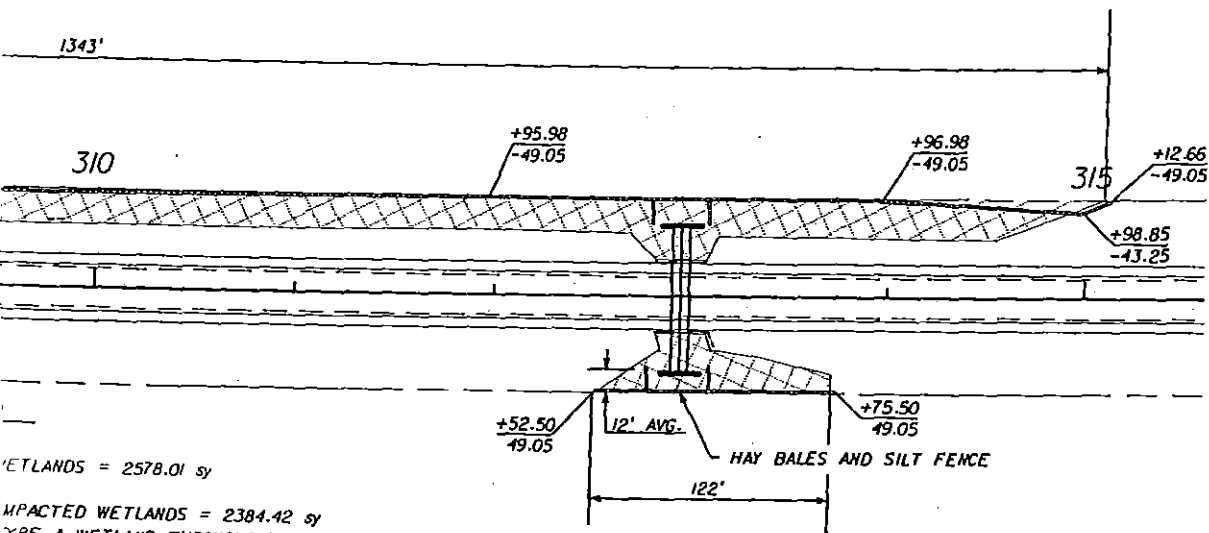
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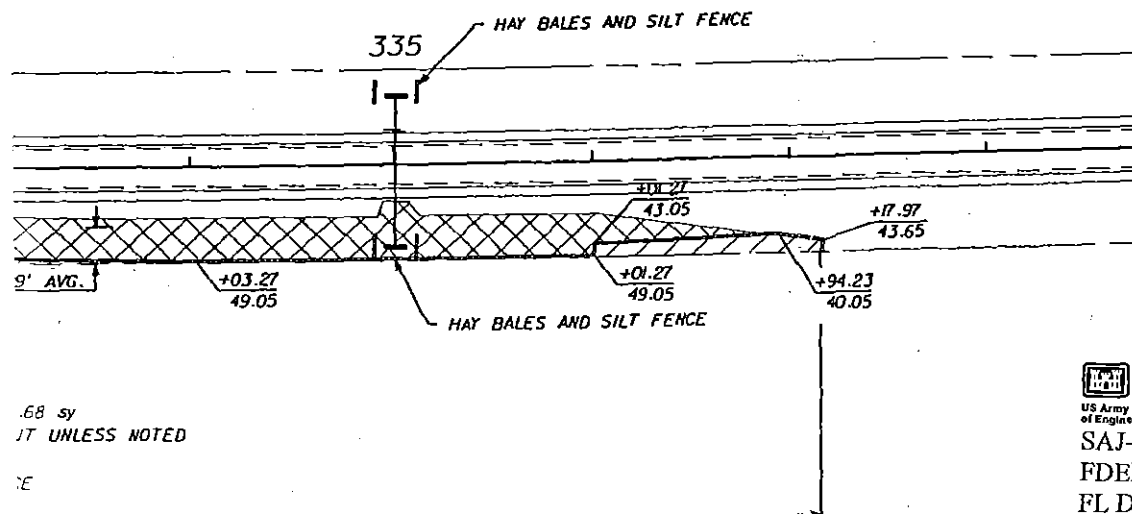
DAVID H. MELVIN

Consulting Eng'r

1128 LAFAYETTE STREET 2931 KERRY FORE
MARIANNA, FL 32446 TALLAHASSEE
18501 482-3045 185016
Certificate No. EB-0005637



WETLANDS = 2578.01 sy
 IMPACTED WETLANDS = 2384.42 sy
 TYPE A WETLAND THROUGHOUT UNLESS NOTED
 HAY BALES AND SILT FENCE



WETLANDS = 2578.01 sy
 IMPACTED WETLANDS = 2384.42 sy
 TYPE A WETLAND THROUGHOUT UNLESS NOTED
 HAY BALES AND SILT FENCE



US Army Corps
 of Engineers
 SAJ-2005-3585 (IP-DEB)
 FDEP#07-0247586-005-DF
 FL DOT SR73 Improvements

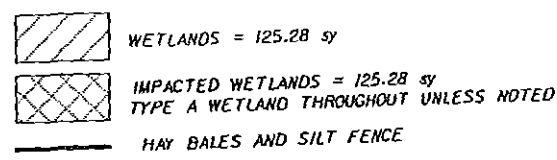
Sheet # 5 of 29 May 5, 2006

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION			SHEET NO.
ROAD NO.	COUNTY	FINANCIAL PROJECT ID	
SR 73	CALHOUN	409024-1-52-01	190

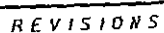
WETLANDS

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PHASE	REVIEW
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Sheet # 8 of 29 May 5, 2006



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No. 51452

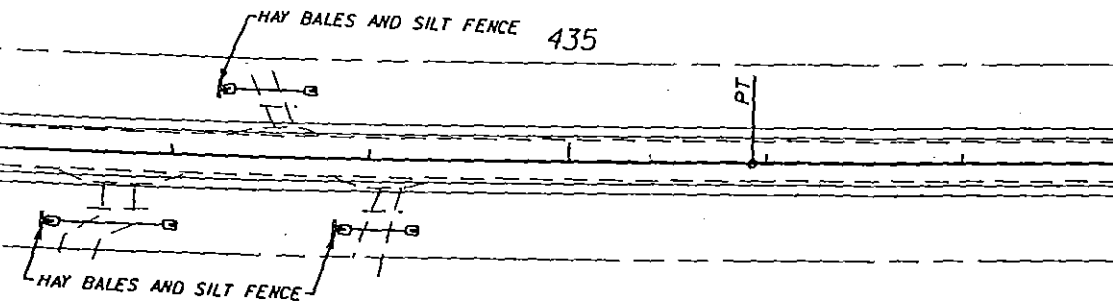
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Consulting Engi

428 LAFAIETTE STREET
MARIANNA, FL 32446
18501 482-3045

2901 KERRY FOREST
TALLAHASSEE
18501

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1" = 100'

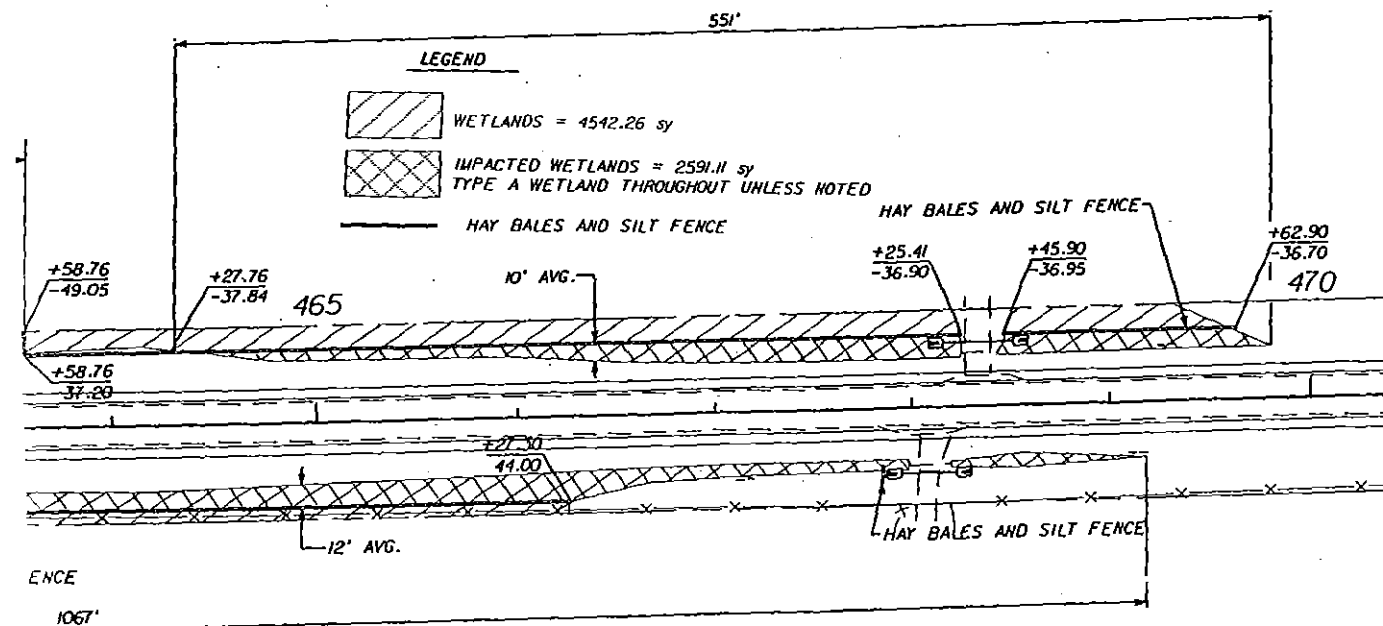


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SAJ-2005-3585 (IP-DEB)
FDEP#07-0247586-005-DF
FL DOT SR73 Improvements

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1" = 100'



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STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION			SHEET NO.
ROAD NO.	COUNTY	FINANCIAL PROJECT ID	
SR 73	CALHOUN	409024-1-52-01	192

WETLANDS

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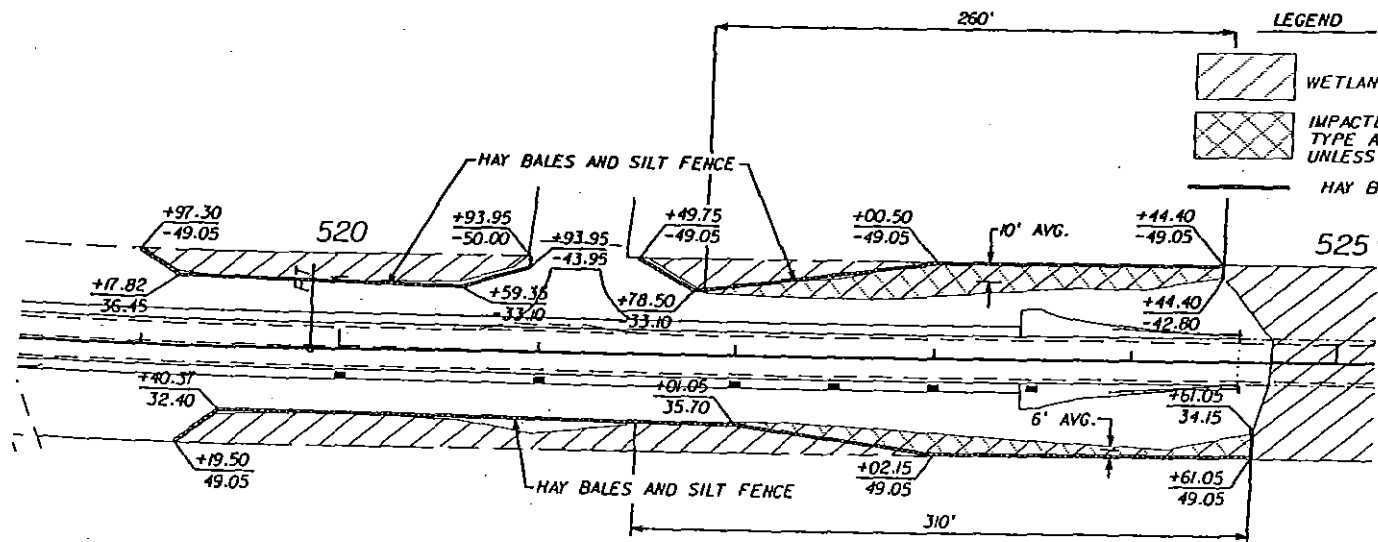
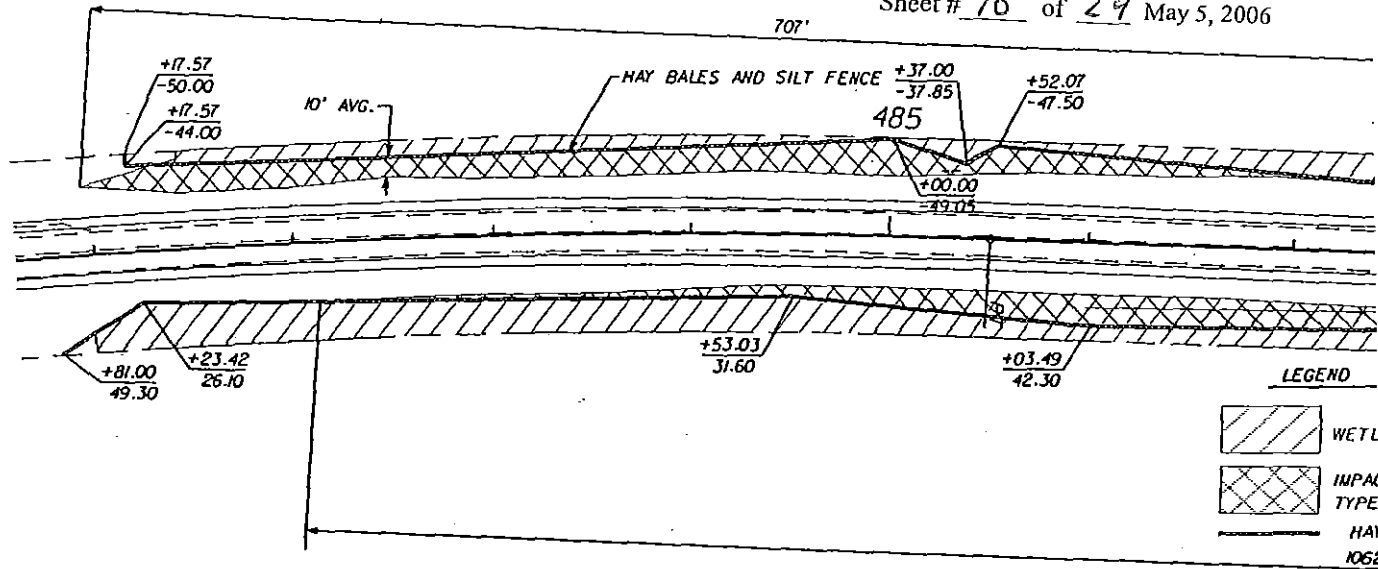
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of Engineers

SAJ-2005-3585 (IP-DEB)

FDEP#07-0247586-005-DF

FL DOT SR73 Improvements

Sheet # 10 of 29 May 5, 2006



REVISIONS

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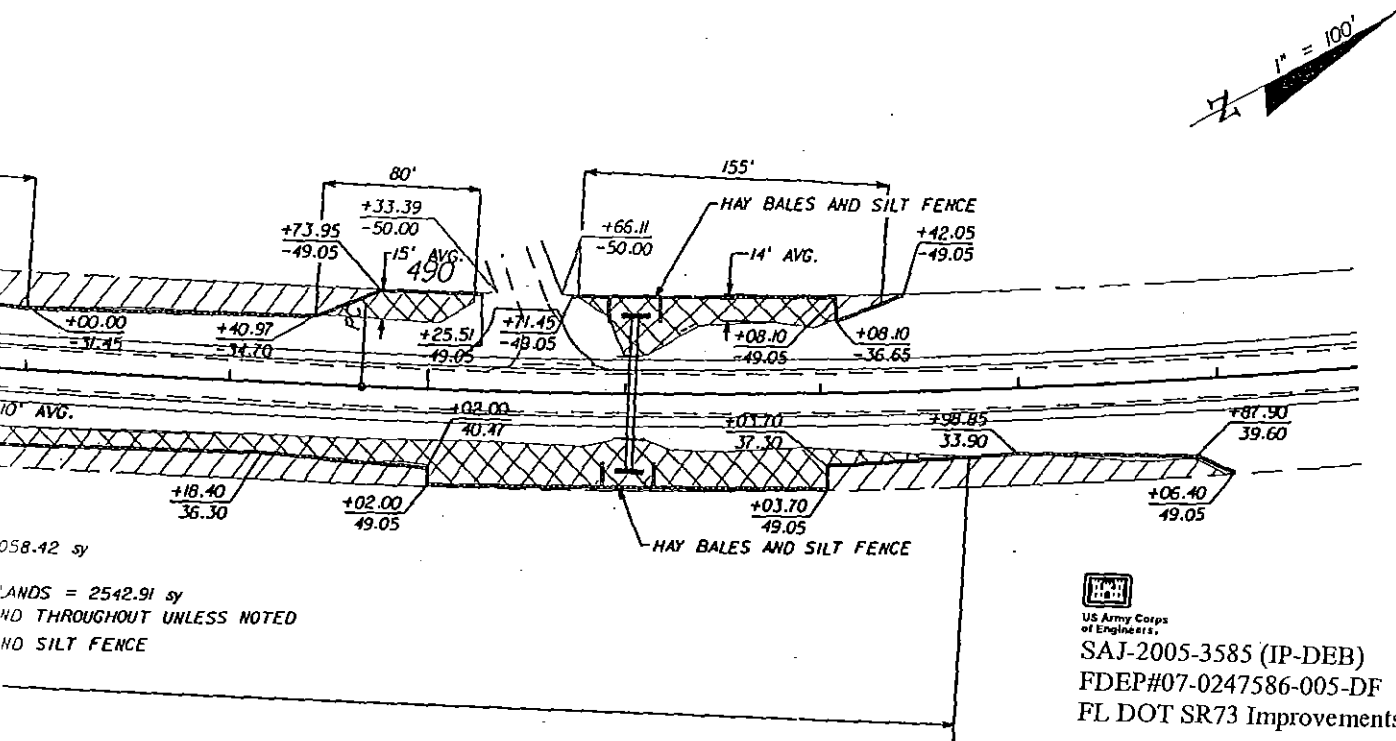
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LEON E. NOBLES III, P.E.

No. 51452

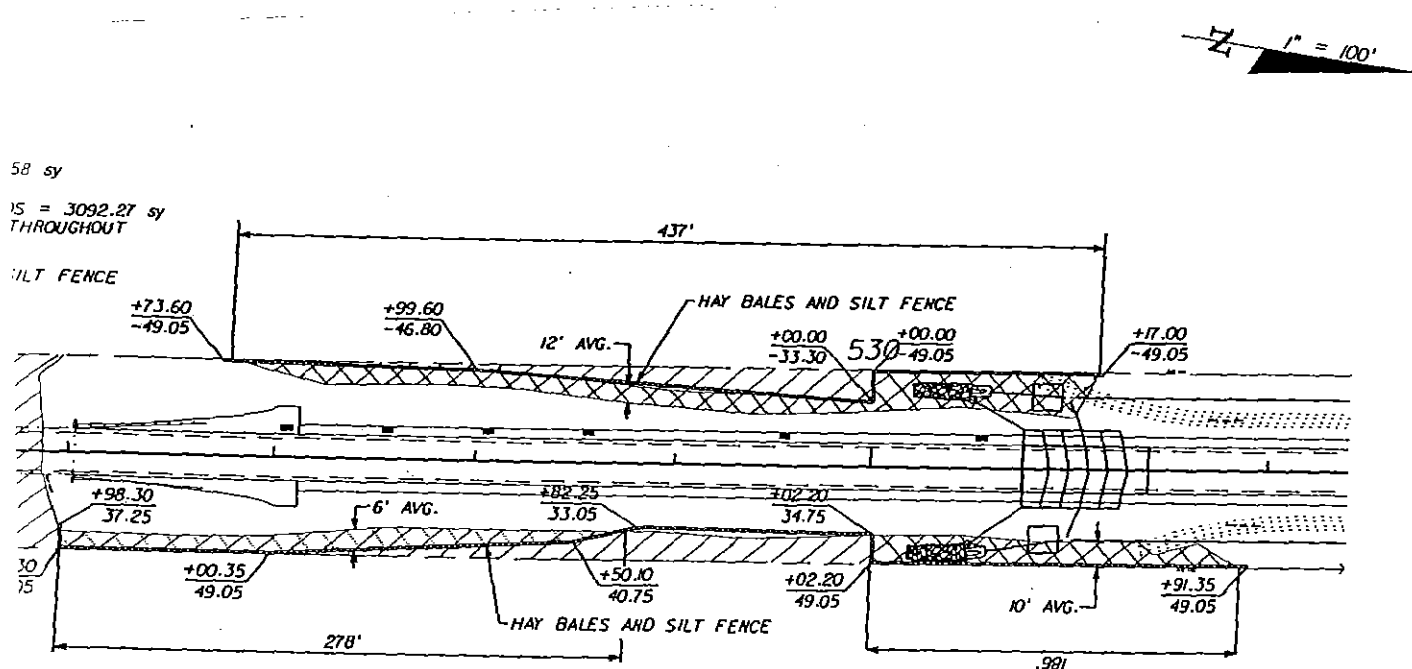
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Consulting Engi

4128 LAFAYETTE STREET 2931 KERRY FORE
MARIANNA, FL 32146 TALLAHASSEE
18501 482-3045 18501 1
Certificate No. EB-000563



SAJ-2005-3585 (IP-DEB)
FDEP#07-0247586-005-DF
FL DOT SR73 Improvements

Sheet # 11 of 29 May 5, 2006



FDOT SR 73

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION			SHEET NO.
ROAD NO.	COUNTY	FINANCIAL PROJECT ID	
SR 73	CALHOUN	409024-1-52-01	193

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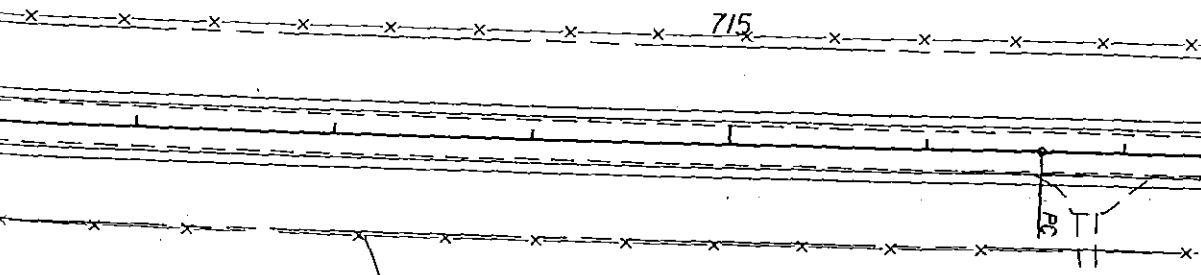
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18501 482-3045

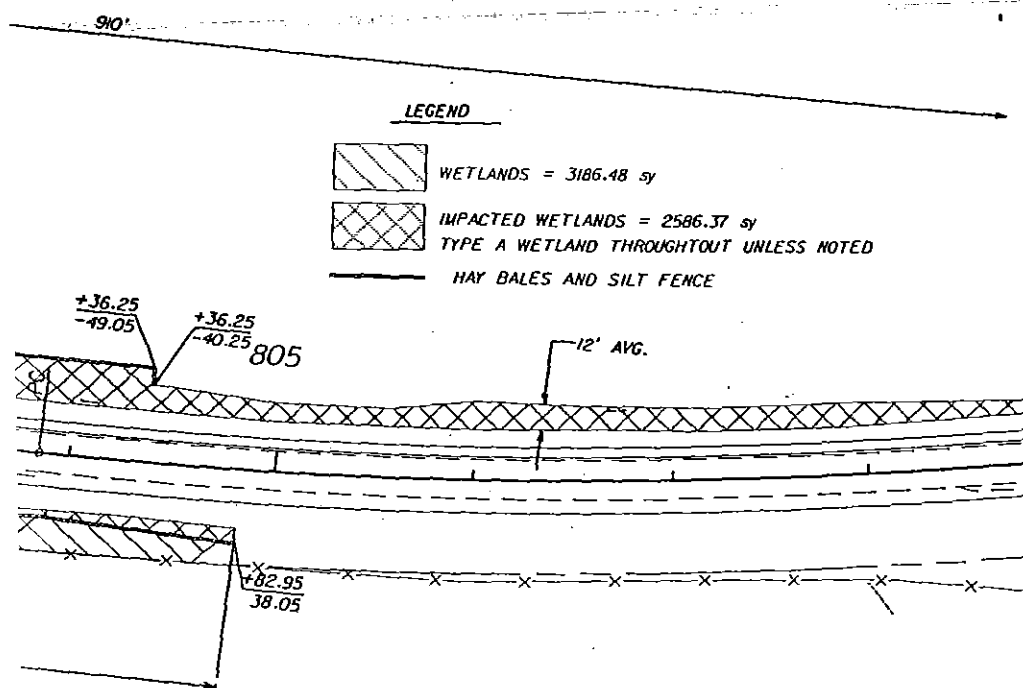
2931 KERRY FORE
TALLAHASSEE
18501 6

Certificate No. EB-0003637





1" = 100'



WETLANDS = 390.42 sy
 LAND THROUGHOUT UNLESS NOTED
 AND SILT FENCE



LEGEND

-  WETLANDS = 3186.48 sy
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-  TYPE A WETLAND THROUGHOUT UNLESS NOTED
-  HAY BALES AND SILT FENCE



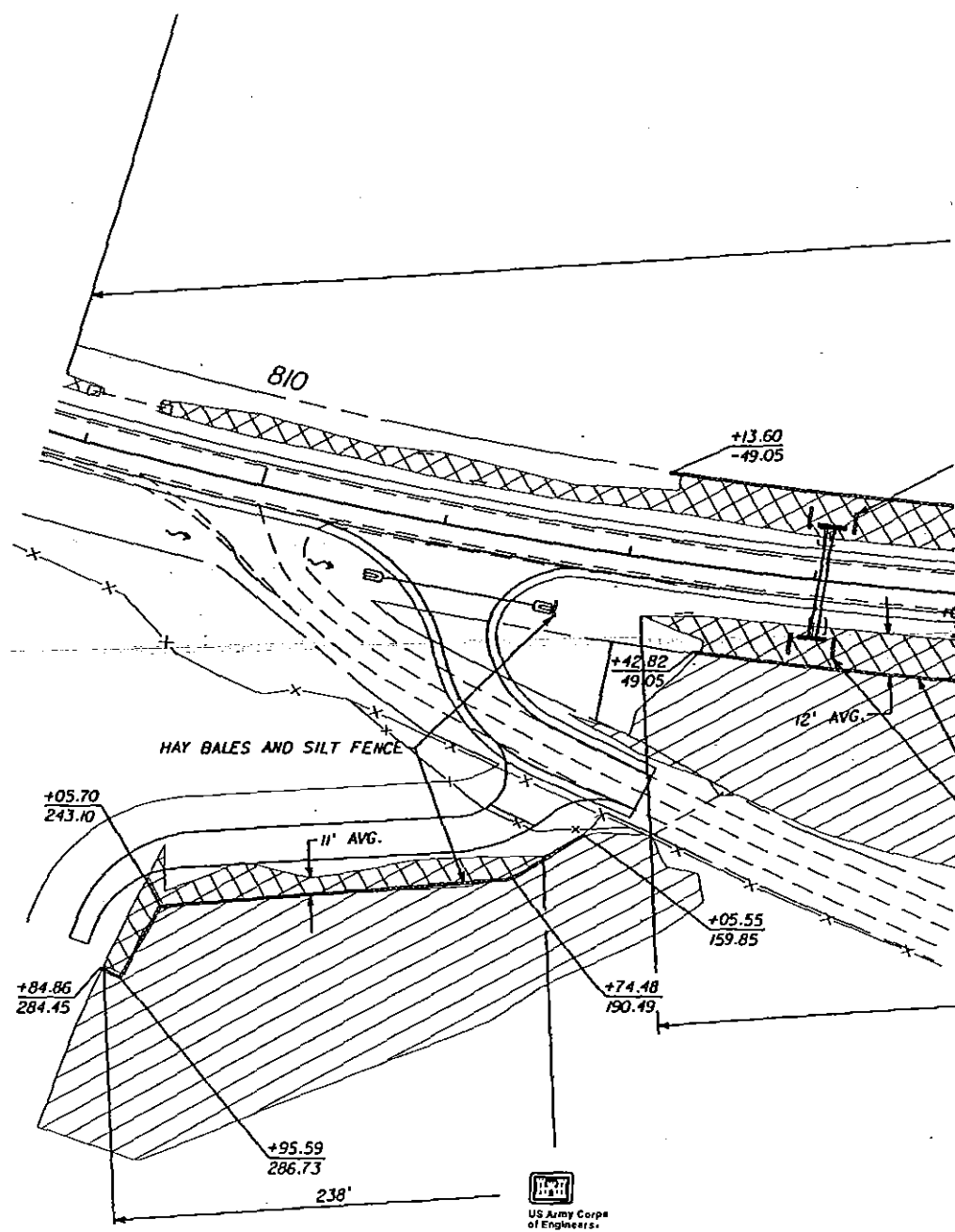
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 SAJ-2005-3585 (IP-DEB)
 FDEP#07-0247586-005-DF
 FL DOT SR73 Improvements

Sheet # 13 of 29 May 5, 2006

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION			SHEET NO.
ROAD NO.	COUNTY	FINANCIAL PROJECT ID	
SR 73	CALHOUN	409024-1-52-01	194

WETLANDS

ORIGINATOR		DATE		CHECKED		DATE		VERIFICATION MARKS		DATE	
PRODUCTION CHECKING COMPLETE.				CORRECT CHANGE (RED)				(BLUE CHECK WORK OR CIRCLE & REMARK)			
READY FOR SUBMITTAL REVIEW				CONCURRENCE, ORIGINATOR				(GREEN CHECK MARK OR I-OUT TO DISAGREE)			
				CHANGE INCORPORATION				(BLUE HIGHLIGHTER)			
								(PINK HIGHLIGHTER)			
								(CORRECT PURPLE CHECK MARK)			

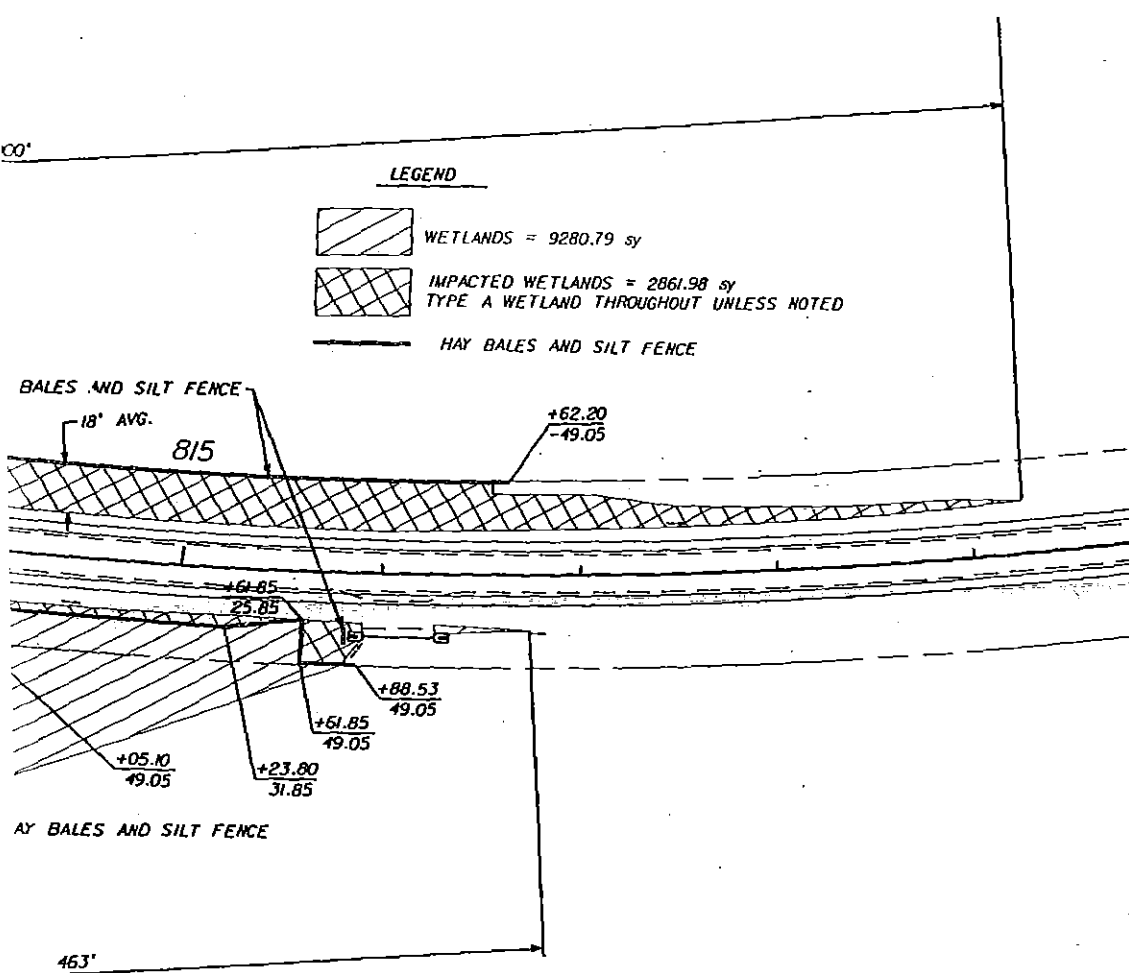


SAJ-2005-3585 (IP-DEB)
FDEP#07-0247586-005-DF
FL DOT SR73 Improvements

Sheet # 14 of 29 May 5, 2006

REVISIONS						ENGINEER OF RECORD:	DAVID H. MELVIN, Consulting Engineer
DATE	BY	DESCRIPTION	DATE	BY	DESCRIPTION		
						LEON E. NOBLES III, P.E. No. 51452	4428 LAFAYETTE STREET MARIANNA, FL 32445 18501 482-3045 2931 KERRY FORES TALLAHASSEE, FL 32301 18501 67 <small>Certificate No. ED-0005637</small>

7 1" = 100'



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SAJ-2005-3585 (IP-DEB)
FDEP#07-0247586-005-DF
FL DOT SR73

Sheet # 15 of 29 May 5, 2006

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STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION			SHEET NO.
ROAD NO.	COUNTY	FINANCIAL PROJECT ID	
SR 73	CALHOUN	409024-1-52-01	195

WETLANDS

REGIONAL MITIGATION PLAN

(Revision: 10/27/05)

US Army Corps
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SAJ-2005-3585 (IP-DEB)
FDEP#07-0247586-005-DF
FL DOT SR73

Sheet # 14 of 29 May 5, 2006

BACKGROUND INFORMATION

Water Management District: Northwest Florida Water Management District (NFWFMD)		
Mitigation Project Name: Anders Parcel – Juniper Creek	Project Number (Provided by FDEP): Not Available	
Project Manager: Duncan J. Cairns	Phone Number: 850-539-5999	
County of Mitigation Site: Bay		
Location of Mitigation Project (Central Lat/Long): 30° 29' 18" North / 85° 25' 47" West		
IMPACT INFORMATION (Provided by FDOT)		
FDOT Program #: FIN 4090241	ERP #: Not Applicable	COE #: Not Available
Drainage Basin: Apalachicola River and Bay (Chipola Watershed)		
Water Body: Cypress Creek and Juniper Creek	SWIM Water Body?: Yes	
Acres and Types of impact to be offset:	3.90 Acres	640 (FLUCCS Code)

MITIGATION ENVIRONMENTAL INFORMATION

Mitigation Type:	Creation	Restoration	x Enhancement	x Preservation	Mitigation Area (acres): 30
SWIM Project?: No	Aquatic Plant Control Project?: No		Exotic Plant Control Project?: No		
Mitigation Bank?: No	If yes, give FDEP/WMD Mitigation Bank Permit #: Not Applicable		COE #: Not Available		
Drainage Basin: Apalachicola River and Bay (Chipola Watershed)					
Water Body: Juniper Creek (Chipola Watershed)				SWIM Water Body?: Yes	
Project Description					
A. Overall project goal:					
Acquisition, enhancement and perpetual preservation of 30 acres of wetlands and associated pine flatwood buffers in the headwaters of Juniper Creek, a tributary of the Chipola River.					
B. Brief description of current condition:					
Forested and shrub wetlands along intermittent drainages are impacted to a minor degree by erosion from a dirt access road, hydrologic alteration from ditching, degraded pine flatwood buffers, and lack of management including nuisance/exotic species control. Pine flatwood buffers (mesic grading into hydric), consisting of heavily bedded, recently thinned slash pine plantation, lack appropriate fire regime. Without acquisition, low-density residential development in the near future is highly probable.					
C. Brief description of proposed work:					
Acquisition, ecological management and perpetual preservation, erosion stabilization, control of nuisance/exotic species, and prescribed fire and/or other brush reduction methods for mesic/hydric pine flatwoods.					

D. Brief explanation of how this work serves to offset the impacts of the specified DOT project(s):

This project will preserve and enhance 30 acres of generally high-quality wetlands and pine flatwood buffers within the same watershed as the 3.90-acre FDOT impact to low-quality wetland swales (i.e., roadside ditches). This mitigation will also augment the ecological viability of an adjacent 10 acres being acquired by the Bay County Conservancy, Inc. as mitigation for other impacts.

E. Brief explanation of why a mitigation bank was/was not chosen, including a discussion of cost:

The impacts are not within the mitigation service area of any permitted mitigation bank.

F. Brief explanation of why a SWIM project was/was not chosen as mitigation, in whole or in part, including a discussion of cost, if the anticipated impacts are located within a SWIM water body:

No funded SWIM project appropriate to offset this FDOT impact has been identified.

MITIGATION PROJECT IMPLEMENTATION

Entity responsible for construction: Northwest Florida Water Management District

Contact Name: Duncan J. Cairns (duncan.cairns@nwfwmd.state.fl.us)

Phone Number: 850-539-5999

Entity responsible for monitoring and maintenance: Northwest Florida Water Management District

Proposed timeframe for implementation

Commence Date: TBD

Complete Date: TBD

Total Project Cost (attach itemized cost estimate): \$ 343,918 (based on \$ 88,184 / impact acre)

Attachments

X	1. Detailed description of existing site and proposed work.
X	2. Recent aerial photograph with date and scale.
X	3. Location map and design drawings of existing and proposed conditions.
X	4. Detailed schedule for work implementation, including any and all phases.
X	5. Proposed success criteria and associated monitoring plan.
X	6. Long-term maintenance plan.
X	7. Detailed explanation of how this work serves to offset the impacts of the specified DOT project(s).



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SAJ-2005-3585 (IP-DEB)

FDEP#07-0247586-005-DF

FL DOT SR73

MITIGATION PLAN ATTACHMENT FOR
SR 73, CALHOUN CO.
(October 27, 2005)



US Army Corps
of Engineers

SAJ-2005-3585 (IP-DEB)
FDEP#07-0247586-005-DF
FL DOT SR73

Impact: SR 73 from SR 20 south to SR 71—3.90 Acres

Mitigation: Anders Parcel – Juniper Creek (Chipola Watershed)

Sheet # 18 of 29 May 5, 2006

SCOPE

Per the 2005/2006 FDOT Environmental Impact Inventory (submitted 5/2/05) road work on SR 73 in Calhoun Co. from the intersection with SR 20 south to SR 71 will impact 3.90 acres of low-quality wetlands (FLUCCS 640 – Vegetated Non-Forested Wetlands) within the Chipola watershed. Nearly all of the anticipated wetland impacts are to roadside ditches, with *de minimus* impacts (approximately 0.08 acre or 2% of total wetland impact) to riverine systems at four locations where SR 73 crosses a natural drainage. Under Florida Statutes 373.4137, the NFWFMD is responsible for designing and implementing wetlands mitigation required by state and federal permitting for FDOT impacts. Mitigation planning is based on estimates of impacts provided by FDOT or its consultants. For this project, information on wetland impacts provided to the NFWFMD consists of acreage of impact, FLUCCS code, a descriptor of wetland quality (i.e., low, medium, high), and both Florida UMAM and WRAP functional assessments. The NFWFMD does not assess FDOT wetland impacts, and any measures taken to avoid and minimize impacts are the responsibility of FDOT.

PROPOSED MITIGATION

To compensate for the loss of wetland function associated with the SR 73 project, the NFWFMD proposes to enable the acquisition, enhancement and perpetual preservation of 30 acres of wetlands and associated pine flatwood buffers. The mitigation site is located approximately 14 miles west of the impacts in the headwaters of Juniper Creek, and is proximate to the impacts in that not only are both the impacts and mitigation site within the Chipola watershed, a portion of the impacts are also within the local Juniper Creek drainage. The ultimate owner of the mitigation parcel will be the Bay County Conservancy, Inc., a land trust dedicated to the preservation of environmentally sensitive lands in northwest Florida. A conservation easement deed will be obtained to ensure that the site is preserved in perpetuity in a natural state.

The 30 acres to be acquired is part of the 40-acre Anders parcel. The Bay County Conservancy is acquiring the northeastern 10 acres of the Anders parcel for preservation in a natural state as mitigation for a wetland impact in Panama City. Although the Bay County Conservancy has an option to buy the other 30 acres, it lacks funds to do so. Nevertheless, the Bay County Conservancy strongly endorses efforts to preserve and enhancement the entire Anders parcel, and is willing to accept ownership of the remaining 30 acres. As mitigation for the SR 73 impacts, the NFWFMD will enable the Bay County Conservancy to acquire the

remainder of the Anders parcel, either by acquisition then transfer to the Conservancy, or by directly funding the Conservancy to purchase the property. In addition to acquisition, the NFWFMD will provide funding and technical expertise for the enhancement and management of the entire 40-acre Anders parcel. Acquisition and enhancement of the remaining 30 acres of the Anders parcel will also enhance the overall ecological viability of the Bay County Conservancy 10-acre acquisition.

The 30 acres targeted for acquisition as mitigation for SR 73 impacts consist of approximately 9 acres of forested and shrub wetlands (predominately composed of titi, bay trees and pine) that occur along intermittent stream drainages, and 21 acres of pine flatwoods that grade from mesic to hydric conditions. Whereas the forested and shrub wetlands along the natural drains are generally high quality, the mesic/hydric pine flatwoods contain heavily bedded slash pine plantation that has recently been thinned. Dominant vegetation in the pine flatwoods consists of *Pinus elliottii* (slash pine) and *Illex glabra* (gallberry), with sparser coverage of *Aristida spp.* (wiregrass), *Sabal minor* (dwarf palmetto), and *Hypericum spp.* (St. John's wort). Although the pine flatwoods are impacted by establishment of slash pine plantation, the groundcover generally retains a relatively high level of species diversity. The forested and shrub wetlands occurring along natural, intermittent stream drainages that feed into Juniper Creek are impacted to a minor extent by erosion from the dirt access road, a ditch on the western edge of the property, and a lack of nuisance/exotic species control. Although at this time nuisance/exotic species are generally absent from the property, a few *Sapium sebiferum* (Chinese tallow) saplings have established along the boundary of the property.

The mitigation parcel is approximately ½ mile northwest of the town of Fountain and has substantial residential development potential. Homesteads have been established to the east, south and southeast of the mitigation parcel. Without acquisition, this parcel is likely to be developed in the near future. Preservation and enhancement of the Anders parcel will make a valuable contribution to ecological well-being of the Juniper Creek headwaters, and will offset the impacts to low-quality wetlands occurring principally in roadside ditches at SR 73.

Proposed mitigation will consist of 1) acquisition of 30 acres of the Anders parcel with the Bay County Conservancy as ultimate owner, 2) recording of a conservation easement deed restriction to guarantee perpetual preservation in a natural state, 3) removal of a small trash pile on the northern boundary of the property, 4) prescribed fire and/or other brush reduction methods on mesic and hydric pine flatwoods, 5) eradication and long-term management of *Sapium sebiferum* (Chinese tallow) and other nuisance/exotic plant species, 6) restriction of vehicle access, and 7) stabilization of the dirt access road eroding into the unnamed intermittent stream. If deemed unnecessary for land management, the access road may be abandoned, with the road stream-crossing excavated to natural grade, stabilized and revegetated with appropriate wetland species. Blocking a ditch on the western edge of the parcel would be undertaken only if it was determined that offsite flooding would not result.



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SAJ-2005-3585 (IP-DEB)
FDEP#07-0247586-005-DF
FL DOT SR73

SUCCESS CRITERIA

- Acquisition, recording of a conservation easement deed restriction guaranteeing perpetual preservation in a natural state, and implementation of initial enhancement activities such as prescribed fire and nuisance/exotic species eradication.
- Nuisance vegetation $\leq 5\%$ cover per acre for duration of permit.
- Exotic vegetation $\leq 1\%$ cover per acre for duration of permit.

FUNCTIONAL ASSESSMENT

Functional assessments of the wetland impacts on SR 73, provided by consultants retained by FDOT, indicate a loss of 1.33 UMAM units or 1.88 WRAP units. Preliminary WRAP analysis by NFWFMD staff indicates that a minimum of 2-3 functional units would be derived from the Anders parcel mitigation.

FUNDING

Funding for mitigation activities would come from FDOT mitigation funds. At a maximum rate of \$ 88,184 per acre of impacted wetland, 3.90 acres of wetland impact would result in \$ 343,918 in funding. All reasonable attempts will be made to maximize cost savings throughout this project.

Cost Estimates	
Planning (3%)	10,000
Pre-acquisition Costs (3%)	10,000
Acquisition (35%)	120,000
Restoration / Long-term Management (59%)	203,918
Total	\$343,918

WORK SCHEDULE

- Before expiration of permit, mitigation site (Anders Parcel or other acceptable parcel as determined in consultation with state and federal permitting authorities) will be acquired and enhanced, with guarantees of perpetual preservation in a natural state. Mitigation will include management for nuisance and exotic species.
- Annual inspections of site, if required by permitting authorities, by a qualified wetland scientist for duration of permit to ascertain attainment of success criteria.
- Annual updates, if required by permitting authorities, for duration of permit.



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SAJ-2005-3585 (IP-DEB)
FDEP#07-0247586-005-DF
FL DOT SR73

NWFWMD PERSONNEL TO IMPLEMENT MITIGATION

Robert F. Lide – Environmental Scientist

David Clayton – Environmental Scientist

Duncan J. Cairns – Chief, Environmental and Resource Planning Bureau

Other NWFWMD personnel or environmental consultants may be called upon as needed.

CONTINGENCY PLANS

Although not anticipated, if additional functional lift were to be required by permitting authorities to offset the SR 73 impacts, exotics eradication (primarily *Lygodium japonicum*) on the Apalachicola floodplain would be undertaken. The level of effort / acreage to be treated would be determined in consultation with the permitting authorities.



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SAJ-2005-3585 (IP-DEB)

FDEP#07-0247586-005-DF

FL DOT SR73

Mitigation Activity Schedule, FL DOT SR73, SAJ-2005-3585(IP-DEB)

Mitigation Activity	Initial Implementation	Subsequent Implementation or Frequency
30-acre Anders Tract Acquisition	Within 30 days from permit date	N/A
Record Conservation Easement	Within 90 days from permit date	N/A
Remove Trash Pile in north section of tract	Within 365 days from permit date	N/A
Prescribed Fire	Within 365 days from permit date	5- 7 years
Mechanical Brush reduction	Within 365 days from permit date as needed	As needed
Removal/Eradication of nuisance/exotic plants	Within 365 days from permit date	As Needed
Road stabilization over intermittent stream	Within 750 days from permit date as needed	Road will likely be abandoned eliminating need for extensive stabilization



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SAJ-2005-3585 (IP-DEB)
FDEP#07-0247586-005-DF
FL DOT SR73



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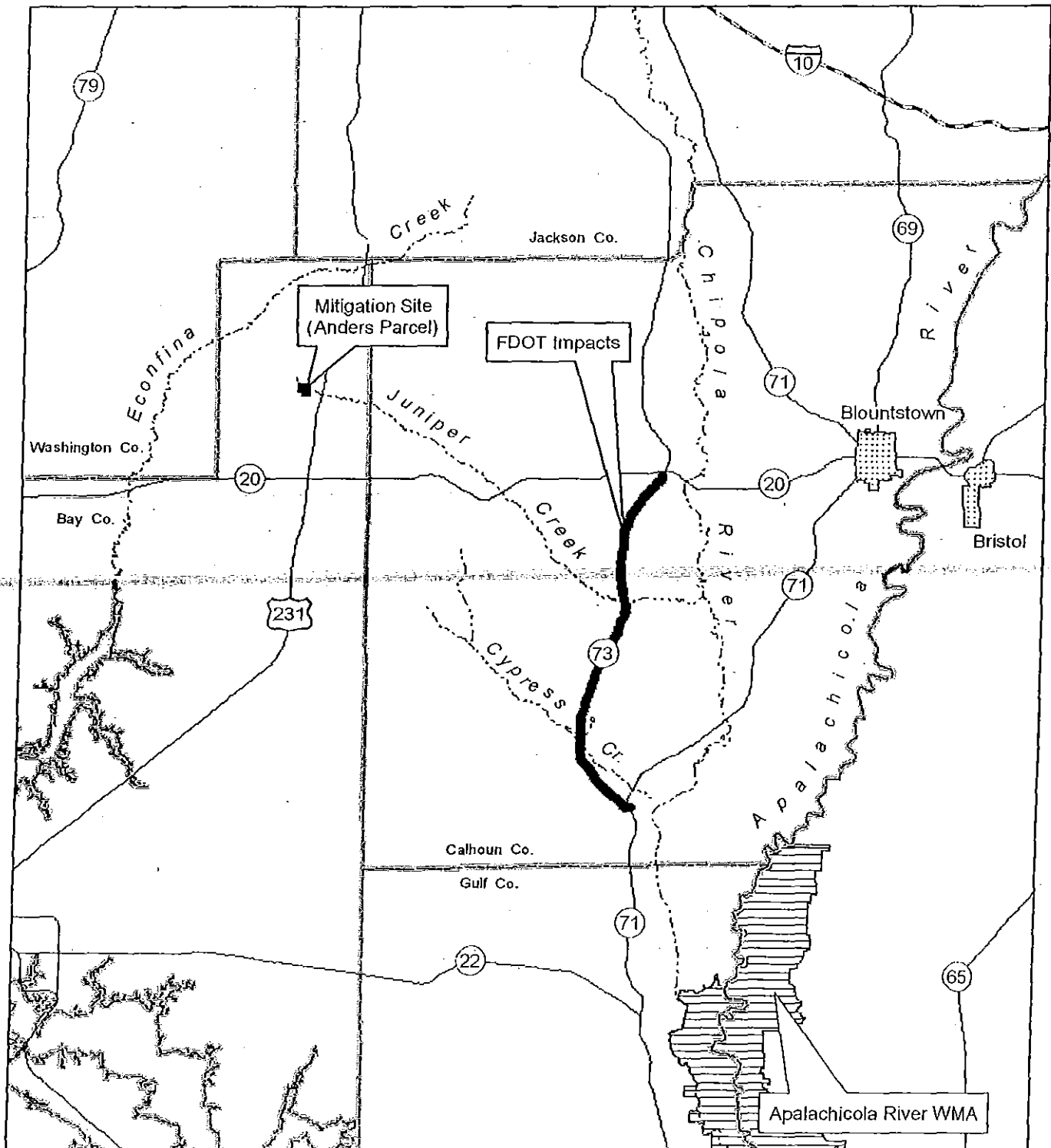
SAJ-2005-3585 (IP-DEB)

FDEP#07-0247586-005-DF

FL DOT SR73

SR 73 Impacts and Mitigation Site

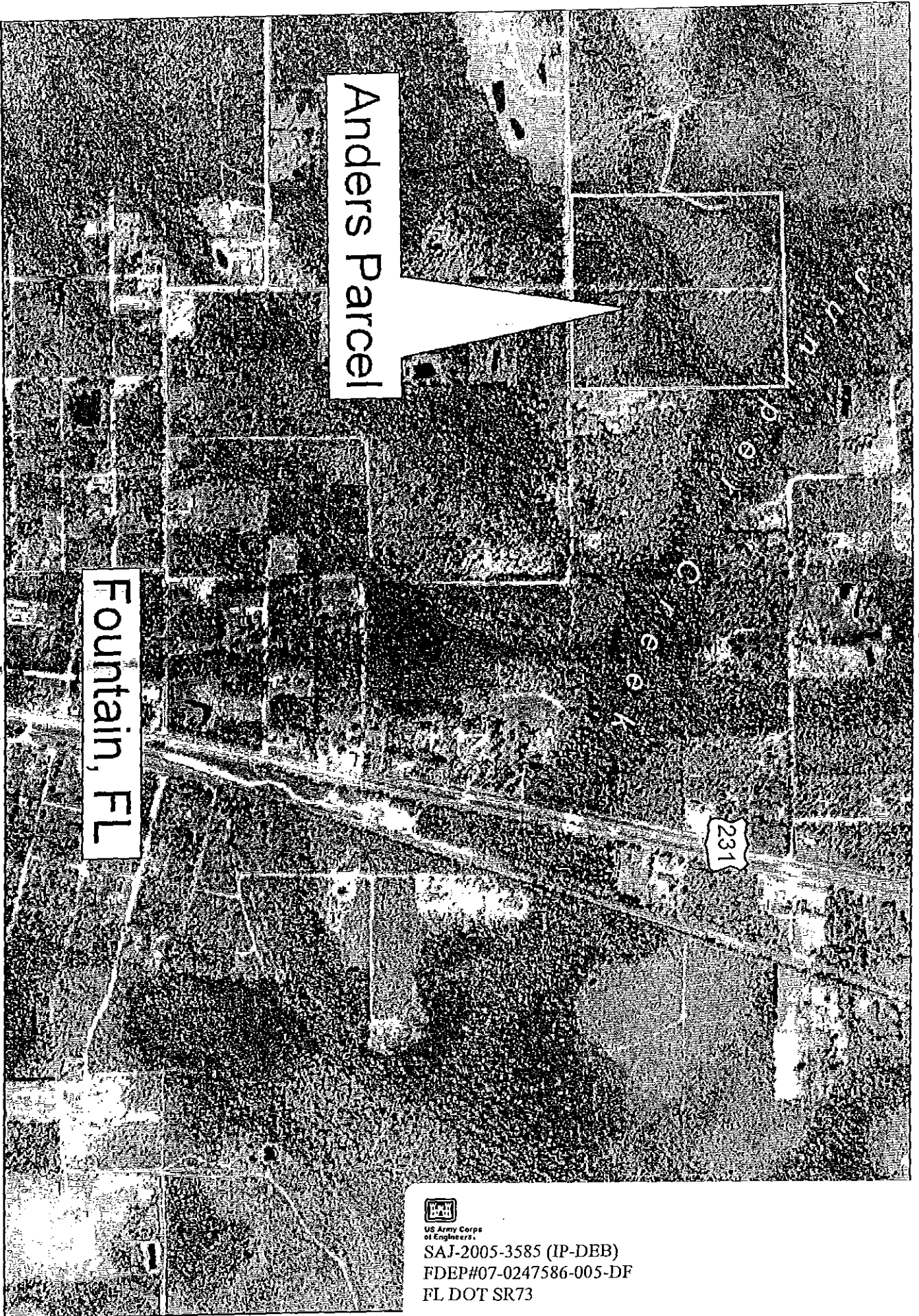
Sheet # 23 of 29 May 5, 2006



0 10 20 Miles



Anders Parcel in Relation to Town of Fountain



US Army Corps
of Engineers

SAJ-2005-3585 (IP-DEB)

FDEP#07-0247586-005-DF

FL DOT SR73

Anders Parcel in Relation to SR 73 Impacts



US Army Corps
of Engineers

SAJ-2005-3585 (IP-DEB)
FDEP#07-0247586-005-DF
FL DOT SR73

SPECIFIC CONDITIONS:

1. If the approved permit drawings conflict with the specific conditions, then the specific conditions shall prevail.
2. If during the progress of this project prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures or early colonial or American settlement are encountered at any time within the project site area, the permitted project should cease all activities involving subsurface disturbance in the immediate vicinity of such discoveries. The permittee, or other designee, shall contact the Florida Department of State, Division of Historical Resources, Review and Compliance Section at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Project activities should not resume without verbal and/or written authorization from the Division of Historical Resources. In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately and the proper authorities notified in accordance with Section Chapter 872.05, Florida Statutes.
3. At least 48 hours and no more than one week prior to commencement of work authorized by this permit, the permittee shall notify the Department of Environmental Protection, Submerged Lands & Environmental Resources Program, Compliance and Enforcement Section, Suite 202, Northwest District Office, 160 Governmental Center, Pensacola, Florida 32502-5794, in writing. The Department telephone number for reporting problems, malfunctions or exceedances under this permit is (850) 595-8300 during normal working hours.
4. The permittee and its contractors shall adhere to the standard specification for prevention, control and abatement of erosion and water pollution, as stated in Section 104 of the Florida Department of Transportation - Standard Specifications for Road and Bridge Construction, and to any stricter standards as required in this permit. The permittee and its contractors shall be responsible for ensuring that turbidity/erosion control devices and procedures are inspected and maintained daily during all phases of construction authorized by this permit until all areas that were disturbed during construction are sufficiently stabilized to prevent erosion, siltation, and turbid discharges.
5. All wetland areas or water bodies, which are outside the specific limits of construction authorized by this permit, must be protected from erosion, siltation, scouring and/or dewatering using best management practices. At no time shall there be any discharge in violation of the water quality standards in Chapter 62-302, Florida Administrative Code. Turbidity/erosion controls shall be installed prior to any clearing, excavation or placement of fill material and shall be maintained in an effective condition at all locations until construction is completed and disturbed areas are stabilized. Erosion controls shall be positioned at the edge of the permitted fill slopes where they are adjacent to wetlands in order to prevent turbid run-off and erosion. Floating turbidity barriers shall be installed prior to any excavation or placement of fill material and shall be maintained in effective condition at all locations until construction is completed and disturbed areas are stabilized. Thereafter, the permittee must remove all turbidity/erosion controls within 14 days.



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6. If, as a result of construction activities associated with this project, turbidity levels in open waters or wetlands outside of the authorized areas of impact are elevated by 29 or more NTUs above natural background levels, the permittee or the environmental scientist who is responsible for turbidity control shall notify the Pensacola Office, Northwest District Submerged Lands and Environmental Resource Program Compliance section within 24 hours, construction activities shall cease in that section of the project, and immediate corrective action shall be taken by the permittee and its contractors. Construction shall not begin again in that area until the turbidity/erosion control devices have been adequately repaired, replaced or enhanced and turbidity levels are reduced to within 29 NTUs of the natural background levels.
7. All storage or stockpiling of tools or materials (i.e. lumber, pilings, etc.) shall be limited to uplands or within the impact areas authorized by this project. In addition, all equipment being utilized shall be limited to operation and storage in uplands or within the impact areas authorized by this permit.
8. Any damage to the wetlands as a result of the construction shall be repaired by re-establishing the pre-construction elevations and replanting vegetation of the same species, size and density as that in the adjacent areas. The restoration shall be completed within 30 days of completion of the project and the department shall be notified of its completion within that same 30-day period. Any damage to wetlands/littoral zone area as a result of the construction shall be reported immediately to the DEP Northwest District, 160 Governmental Center, Suite 202, Pensacola, Florida 32502-5794, Phone No. (850) 595-8300.
9. Construction activities within wetlands, including clearing, equipment access and stockpiling of materials, shall be limited to the authorized areas of impact that are shown on the permit drawings. These areas do not necessarily extend to the edge of the right-of-way. Before construction activities begin, the agent and/or the contractor shall mark the limits of the authorized areas of impact with highly visible staked flagging labeled 'wetland line - do not cross'. All construction personnel shall be shown the location(s) of all wetland areas outside of the construction area to prevent encroachment from heavy equipment into these areas. The flagging shall be legible from 25 feet away and shall be posted on 50-foot intervals.
10. The disposal of construction debris from this project shall only take place in an approved solid waste disposal site in accordance with all applicable Federal, State, and local regulations. Best management practices shall be used at all times during the demolition of the bridge or portion of the bridge such that construction debris is not discarded into open waters or wetlands.
11. No lead-based paint shall be used on the bridge construction associated with this project. No hazardous materials, used in association with this project, shall be stored within or over the limits of the Department's jurisdiction. All refueling sites shall be located in uplands.
12. There shall be no storage or stockpiling of tools or materials (i.e., lumber, pilings, equipment) within wetlands, unless specifically approved in the permit.
13. All stockpiled fill material to be used in future construction activities of the project shall be maintained and stabilized in such a manner as to prevent possible erosion or turbid discharges into



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wetlands or open waters following rain events. Methods of stabilization shall include, but are not limited to the use of staked hay bales, staked filter cloth, sodding, seeding, and mulching; staged construction; and the installation of turbidity screens around the immediate stockpiled fill area. The stockpiled fill shall not be stockpiled in partially constructed stormwater ponds associated with this project.

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

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

- a. **Complete stormwater management and drainage plans for this project. Include all calculations, volumes, treatment methods, elevations, outfalls, drawdown times, infiltration rates, under-drain sizes and lengths, etc.**
- b. A plan view drawing indicating the stormwater collection, transport, and conveyance systems. Indicate all points of discharge into waters of the State.
- c. Cross-sectional views of all structures associated with the stormwater management system. Include all elevations and dimensions.

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

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

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

18. At no time during culvert construction shall jurisdictional wetland connections be severed. Culvert construction/placement activities shall include implementation of functional temporary channels or culverts prior to any fill placement in waterways.

19. A copy of this permit and attached drawings shall be posted at the project site prior to construction commencement and shall remain posted until the project is complete.

Mitigation Conditions:

20. Mitigation shall be associated with the Regional Mitigation Plan pursuant to OGC #99-1877.

RIGHTS OF AFFECTED PARTIES:

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

~~Mediation is not available.~~

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

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

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



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