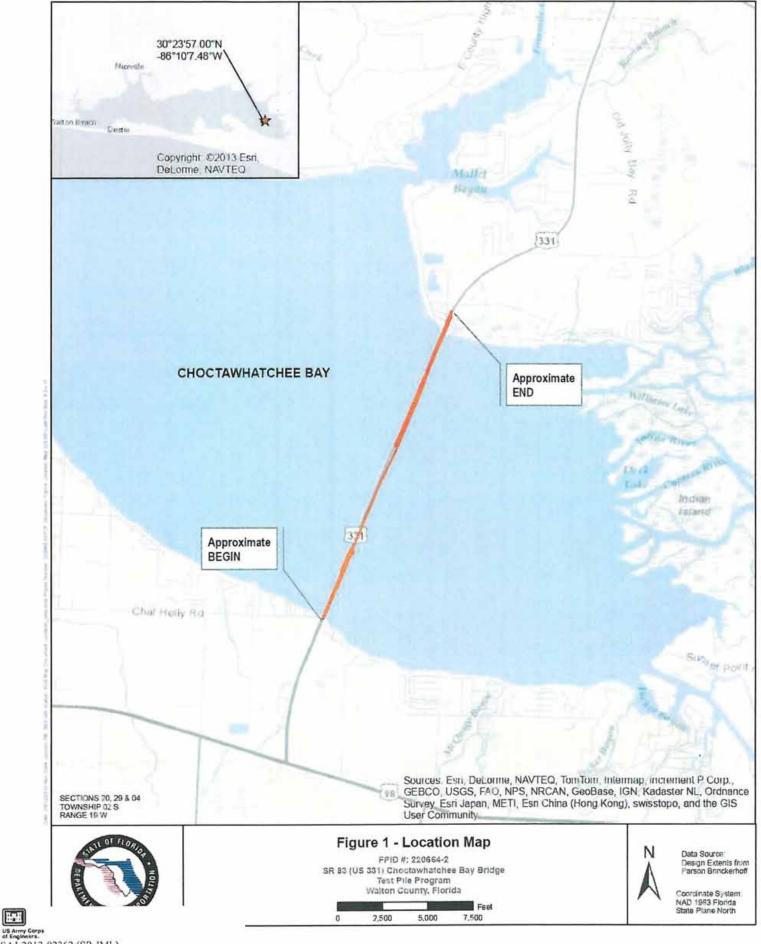
PERMIT NUMBER: SAJ-2013-02362 (SP-JML), FPID #: 220664-2-52-01 PERMITTEE: Florida Department of Transportation – District 3 PAGE 13 of 13

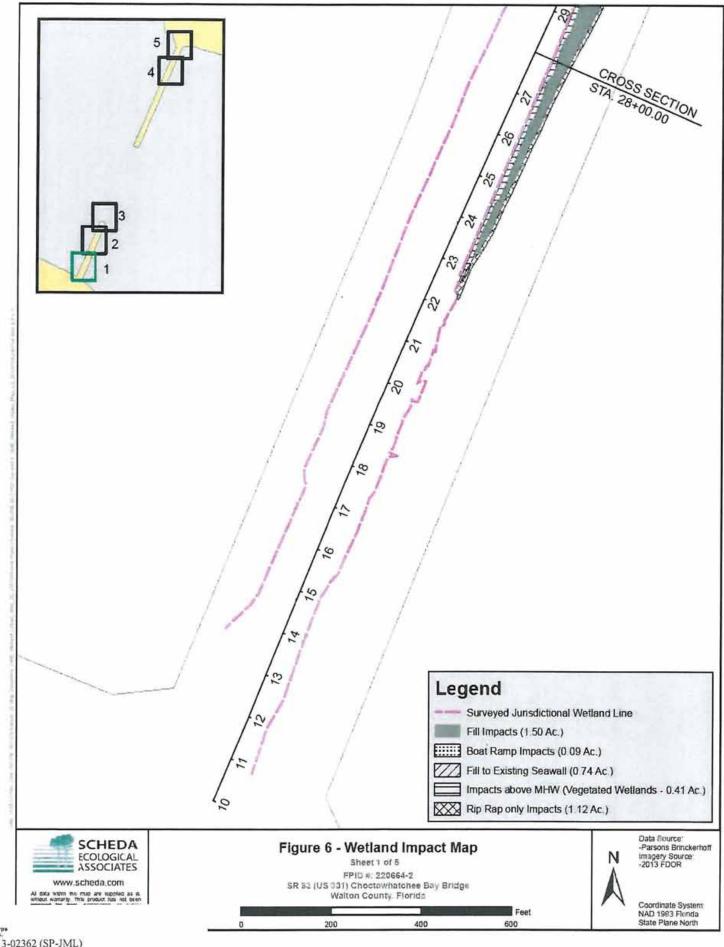
Attachments to Department of the Army Permit Number SAJ-2013-02362 (SP-JML),

- 1. PERMIT DRAWINGS: 34 pages, dated January 23, 2015.
- WATER QUALITY CERTIFICATION: Specific Conditions of the water quality permit/certification in accordance with General Condition number 5 on page 2 of this DA permit. 18 pages.
- 3. MANATEE CONDITIONS: 2 pages, Standard Manatee Conditions for In-Water Work 2011
- 4. SEA TURTLE SAWFISH CONDITIONS: 1 page, Sea Turtle and Smalltooth Sawfish Construction Conditions, revised March 23, 2006
- 5. EASTERN INDIGO SNAKE STANDARD PROTECTION MEASURES: 3 Pages
- 6. AS-BUILT CERTIFICATION: 2 pages
- 7. MITIGATION PROCEDURES/PLAN/ASSOCIATED MITIGATED ACTIONS: 32 Pages



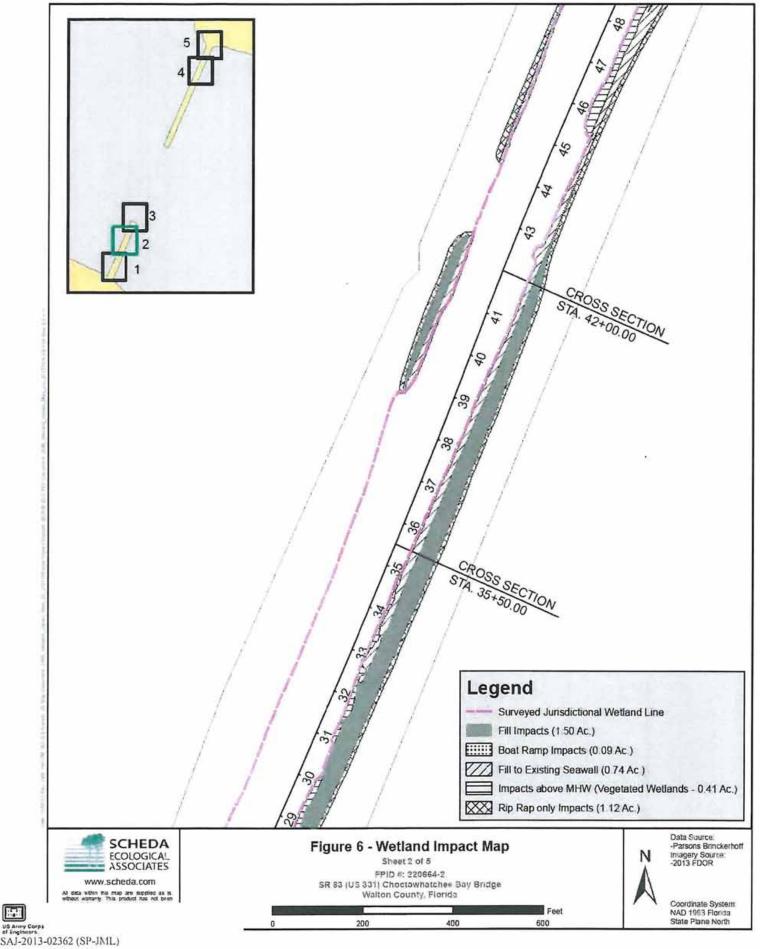
SAJ-2013-02362 (SP-JML) FDOT - US-331 Bridge Page # 1 of 34 February 2, 2015 **Permit Drawings** Attachment #1

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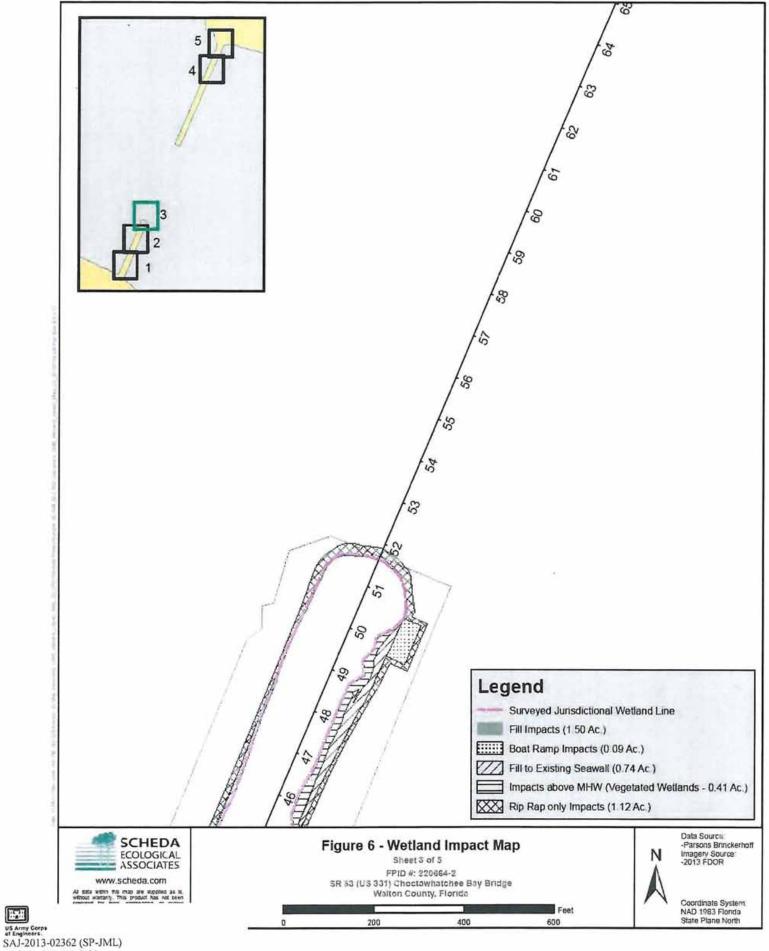
US Army Corps of Engineers. SAJ-2013-02362 (SP-JML) FDOT – US-331 Bridge Page #2 of 34 February 2, 2015 Permit Drawings Attachment #1

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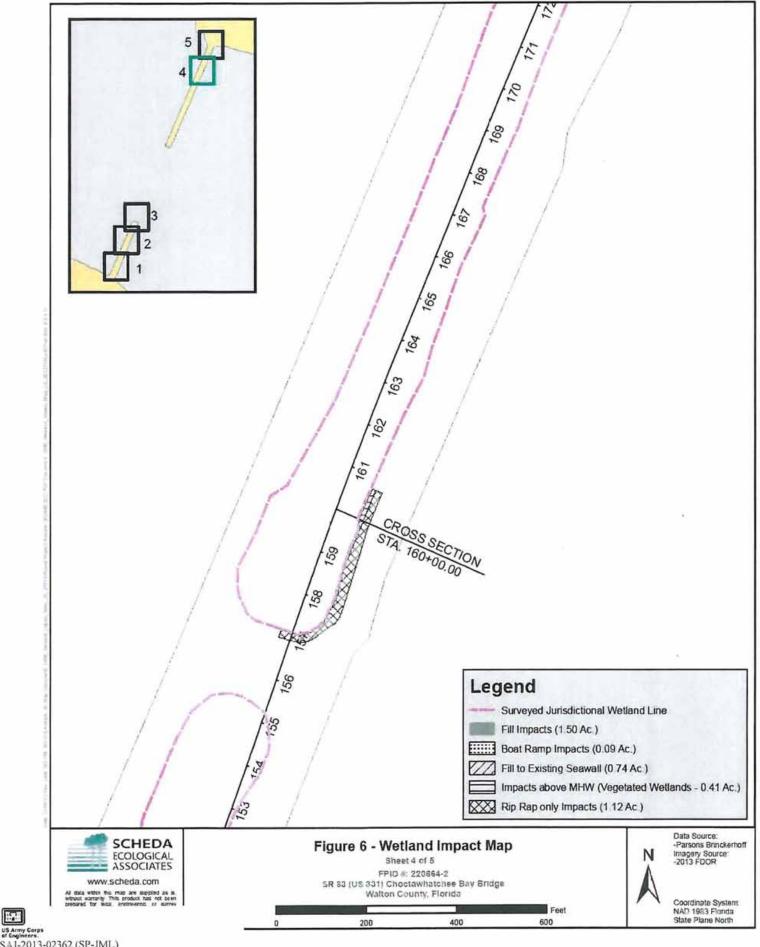
SAJ-2013-02362 (SP-JML) FDOT - US-331 Bridge Page #3 of 34 February 2, 2015 Permit Drawings Attachment #1

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FDOT - US-331 Bridge Page #4 of 34 February 2, 2015 **Permit Drawings** Attachment #1

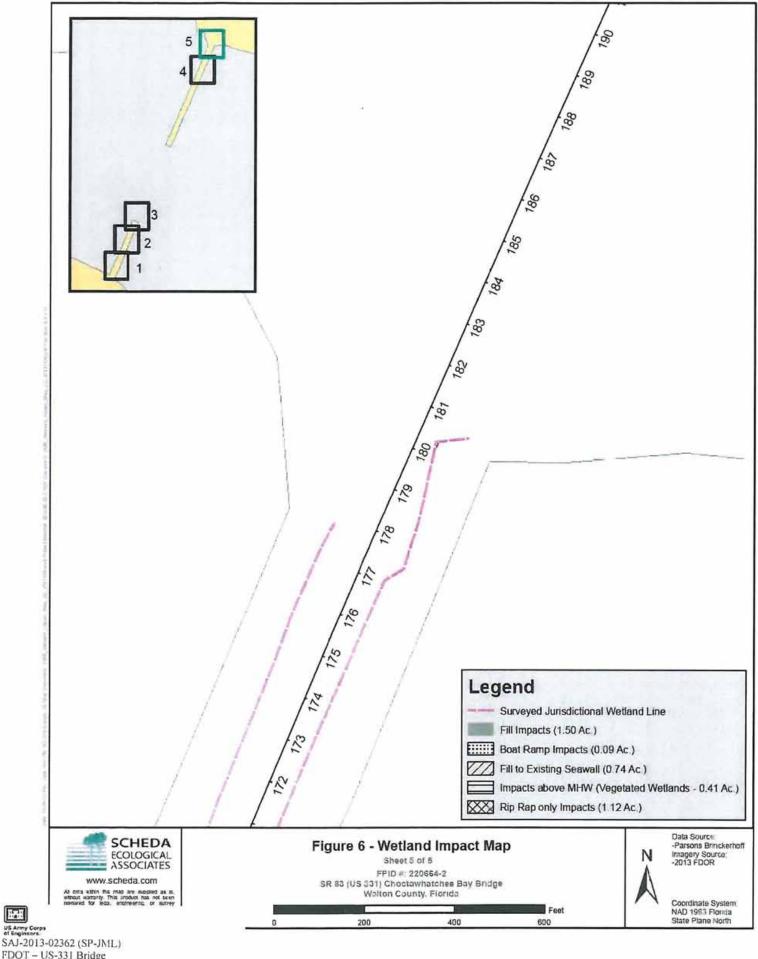
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SAJ-2013-02362 (SP-JML) FDOT - US-331 Bridge Page #5 of 34 February 2, 2015 Permit Drawings

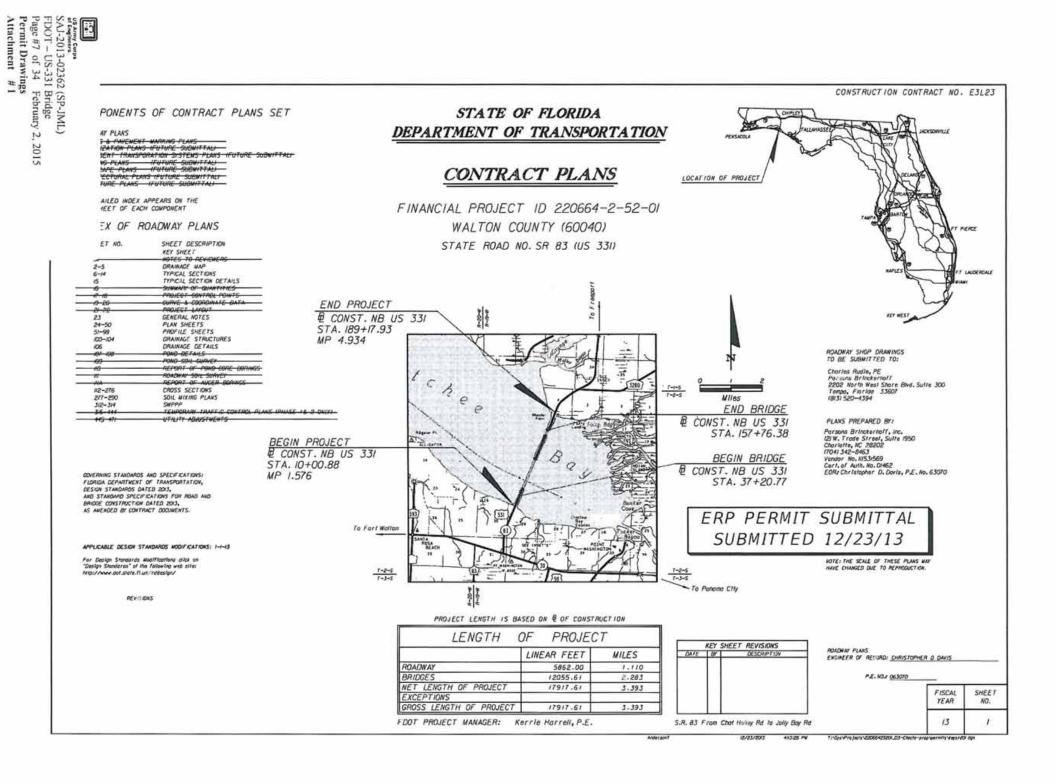
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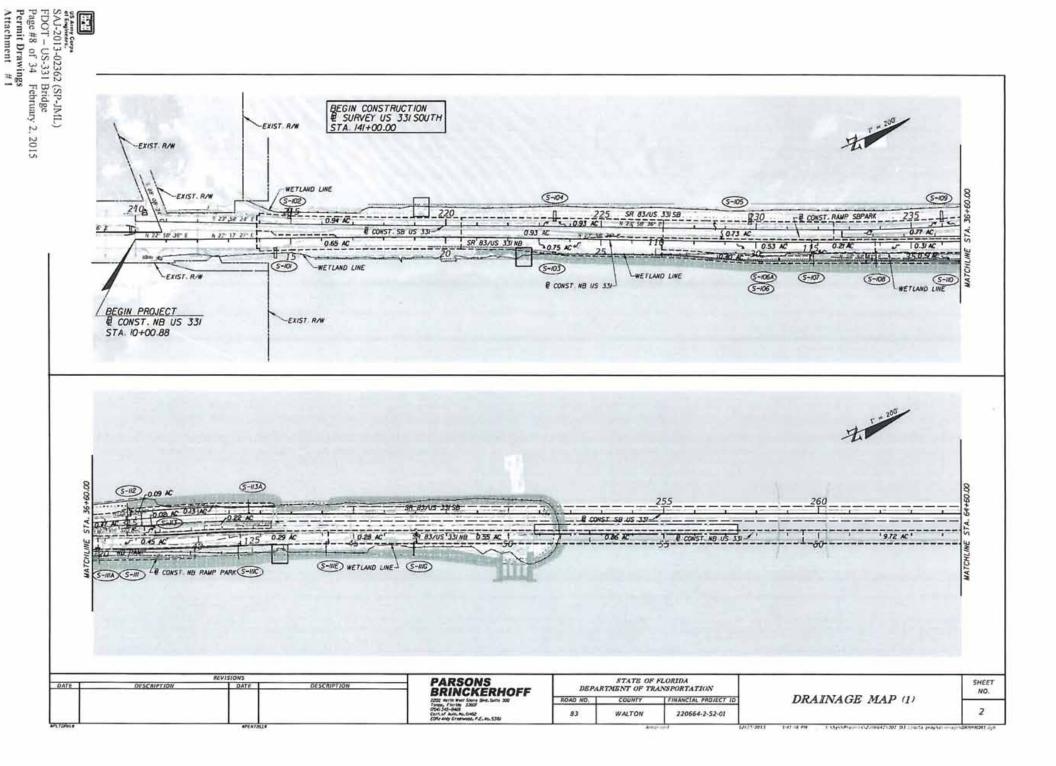
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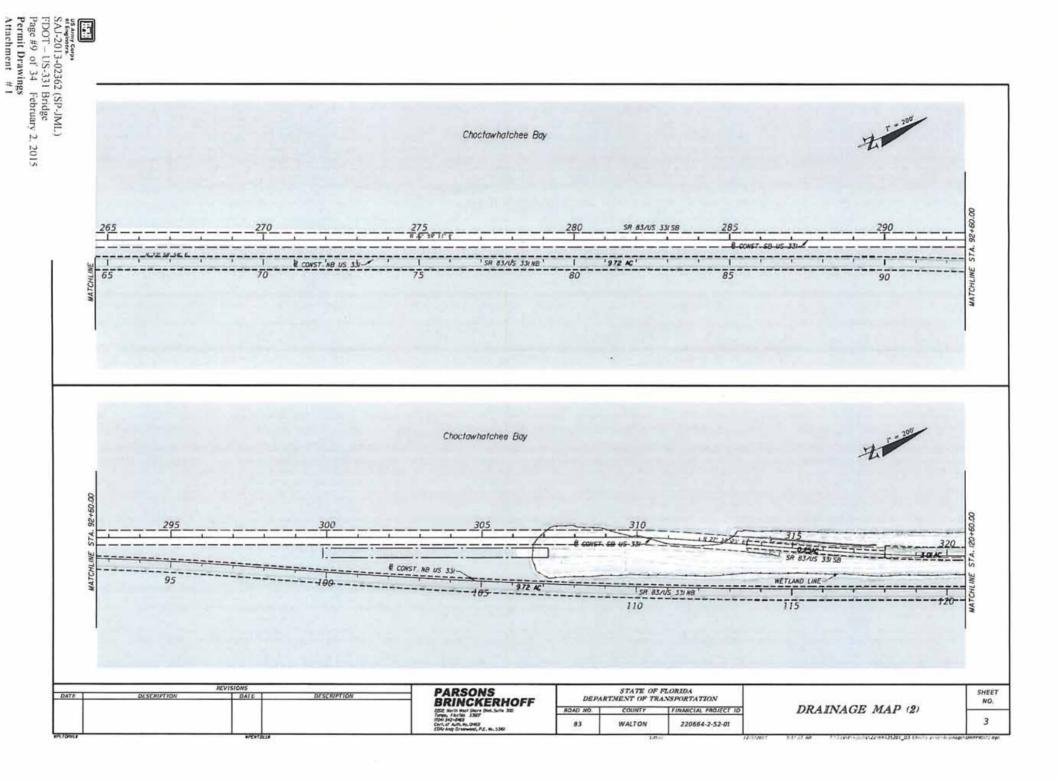


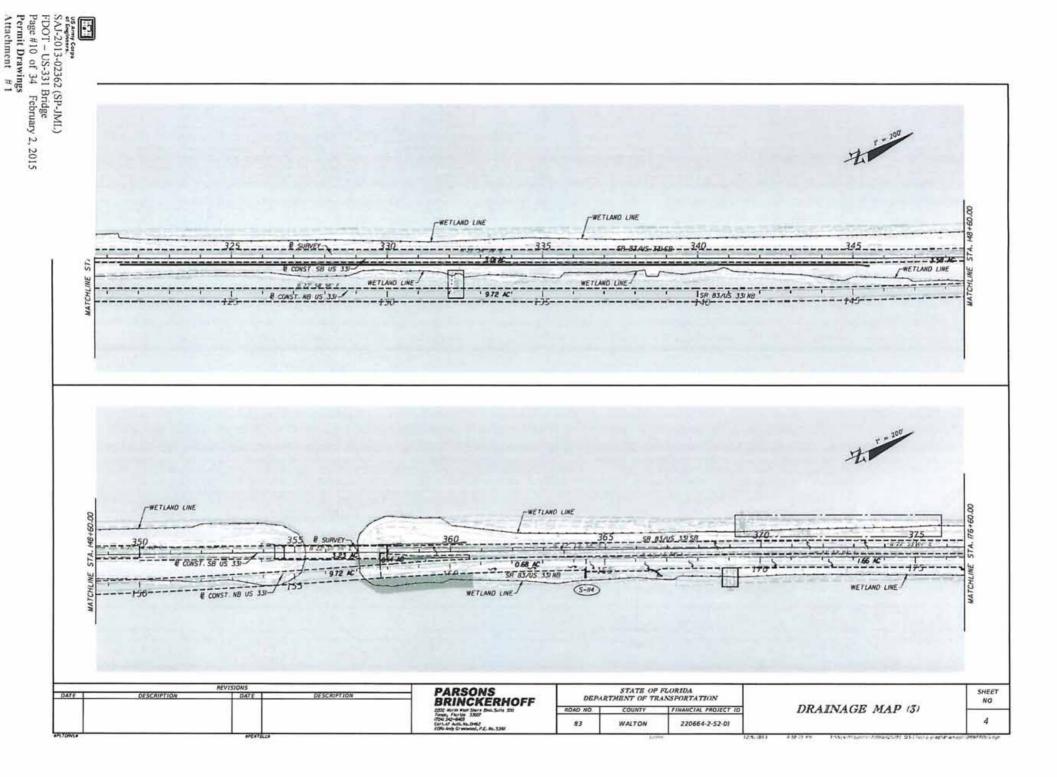
FDOT - US-331 Bridge Page #6 of 34 February 2, 2015 Permit Drawings Attachment #1

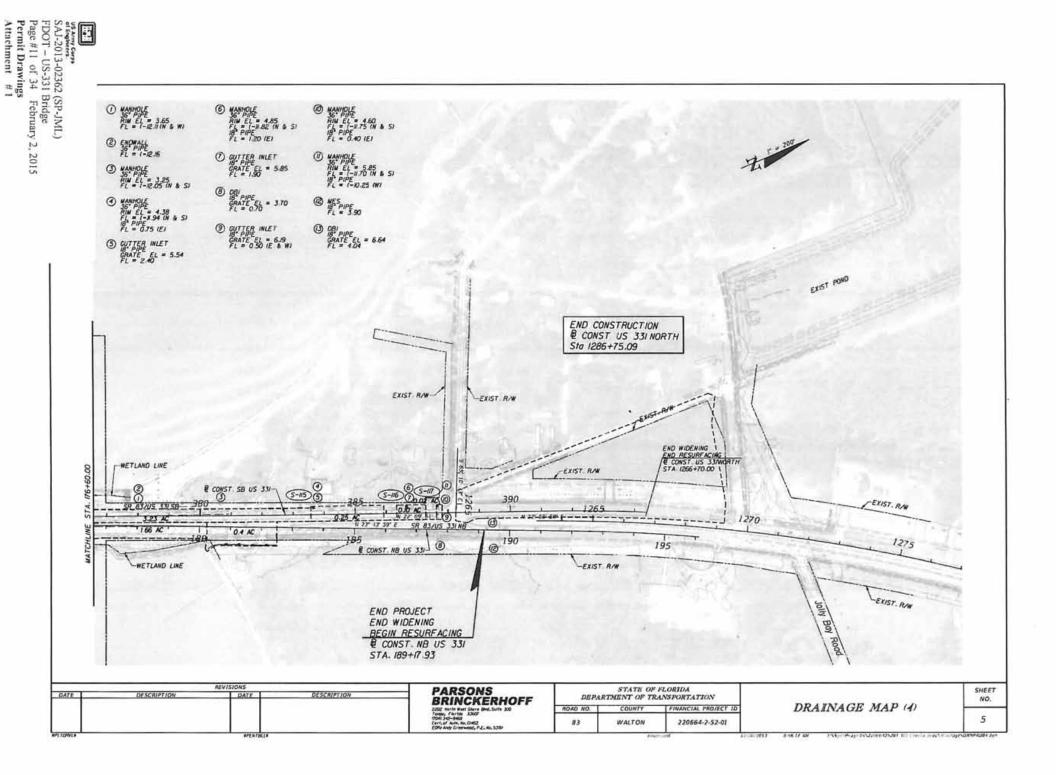
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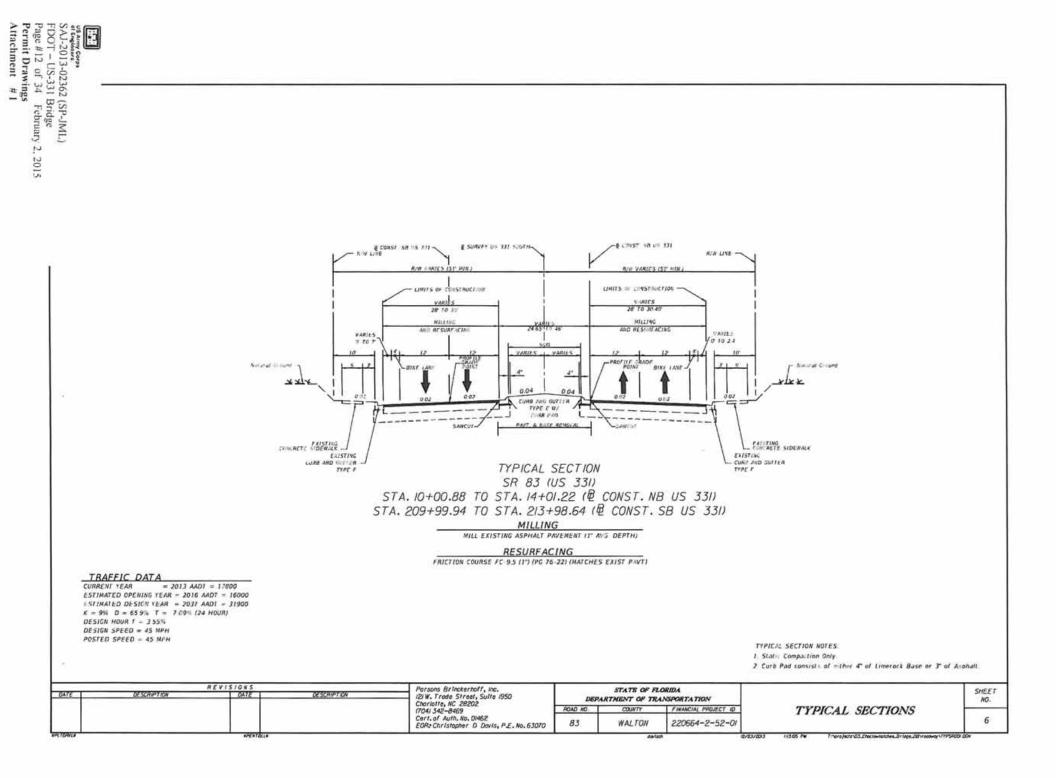


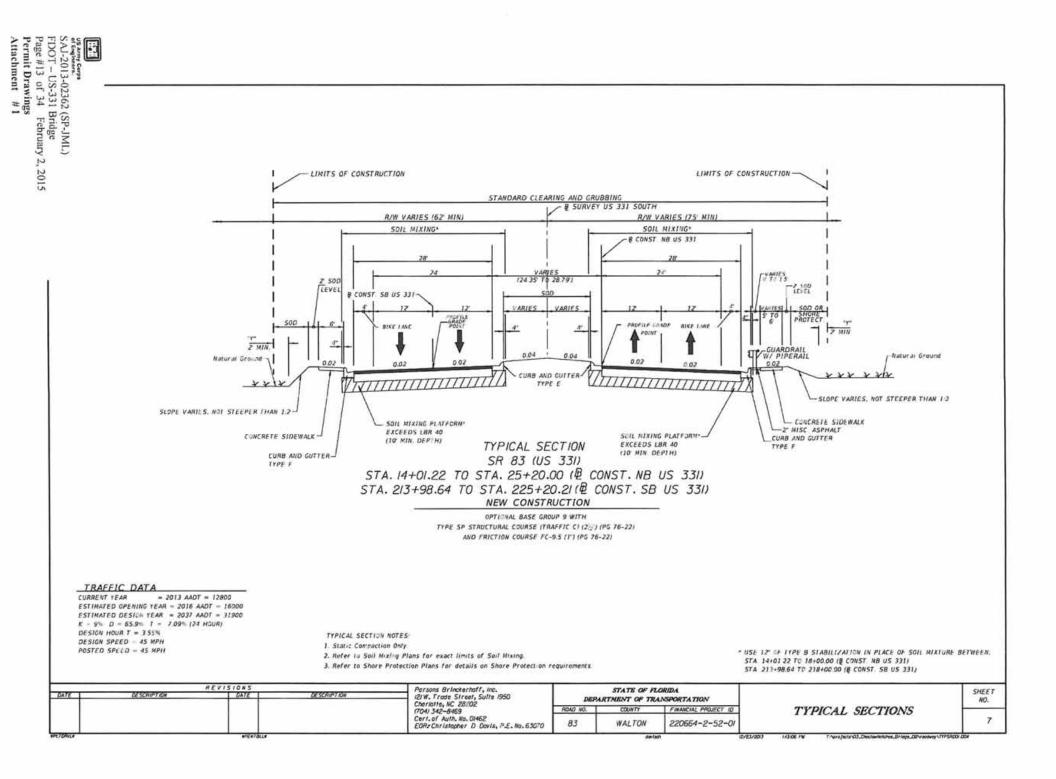




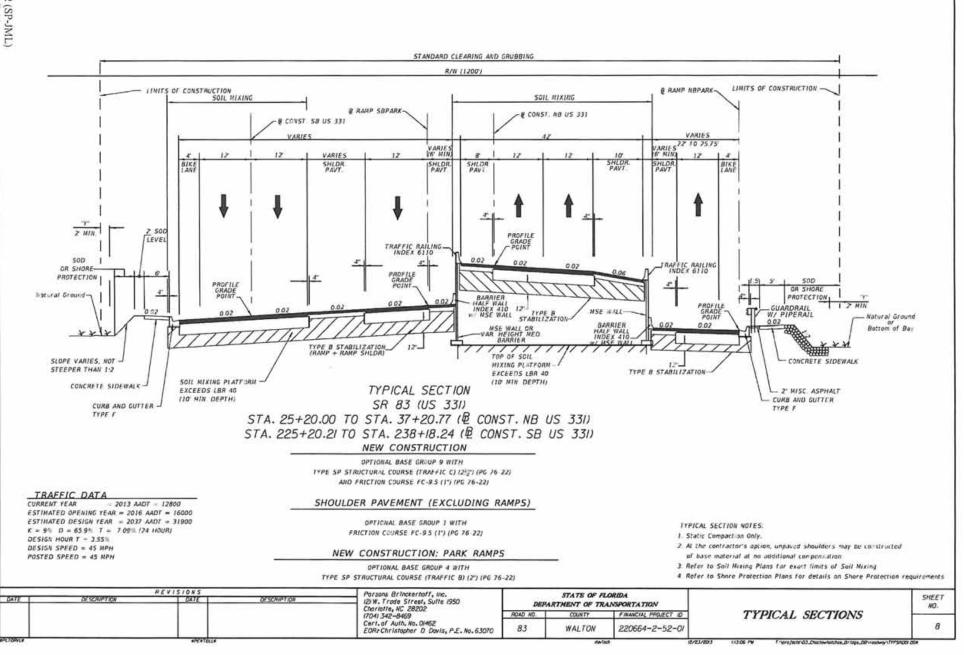


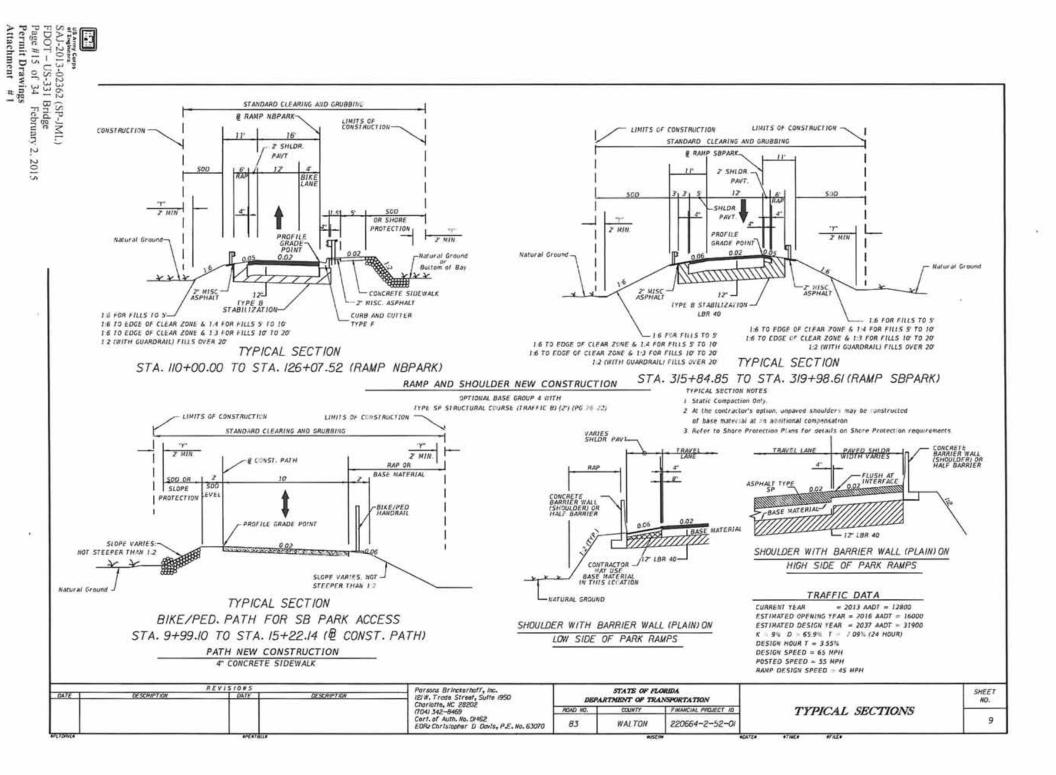


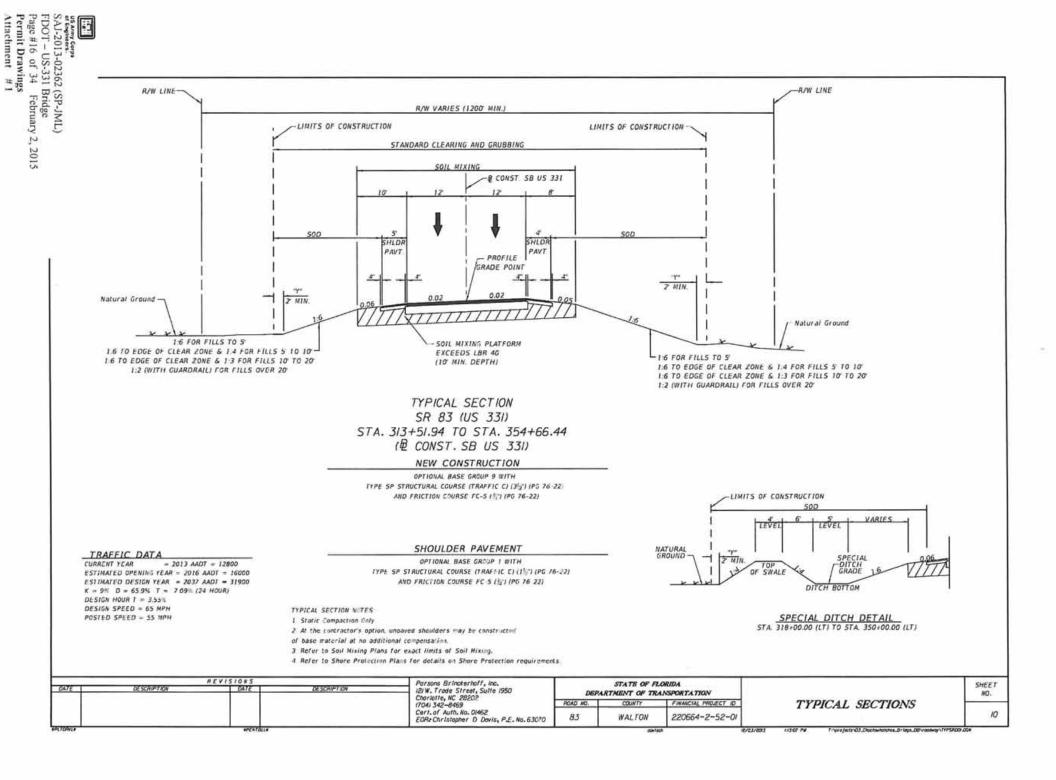




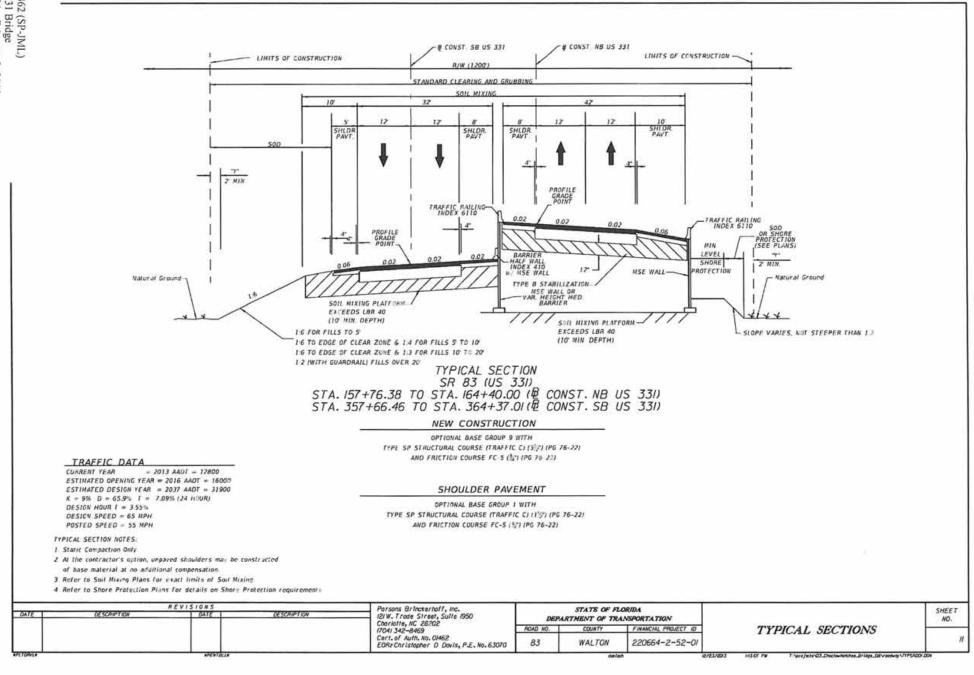
SAJ-2013-02362 (SP-JML) SAJ-2013-02362 (SP-JML) FDOT – US-331 Bridge Page #14 of 34 February 2, 2015 Permit Drawings Attachment #1



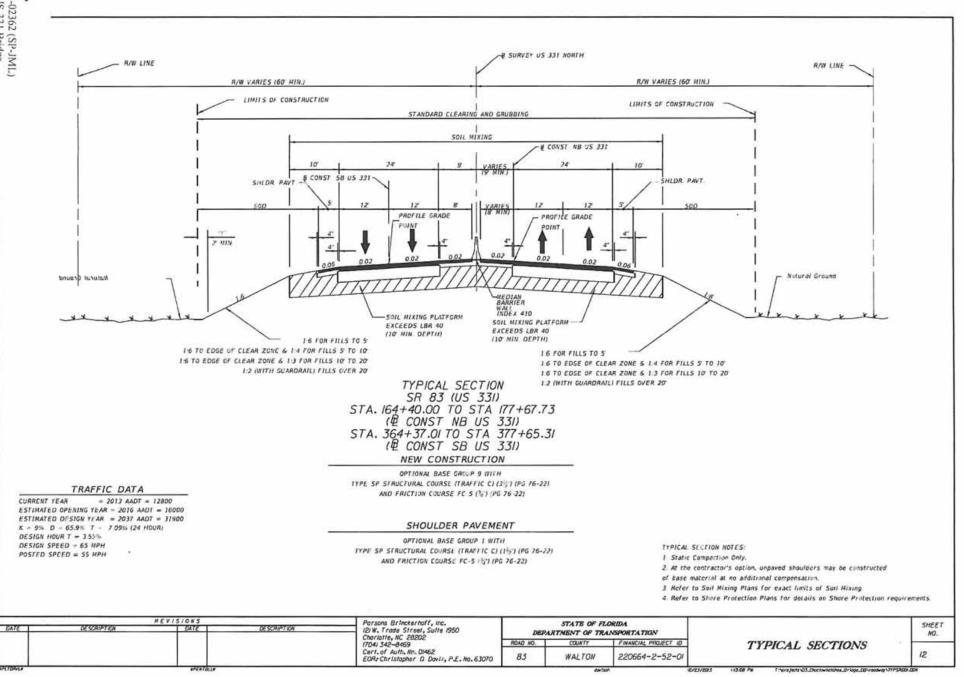


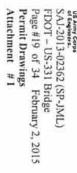


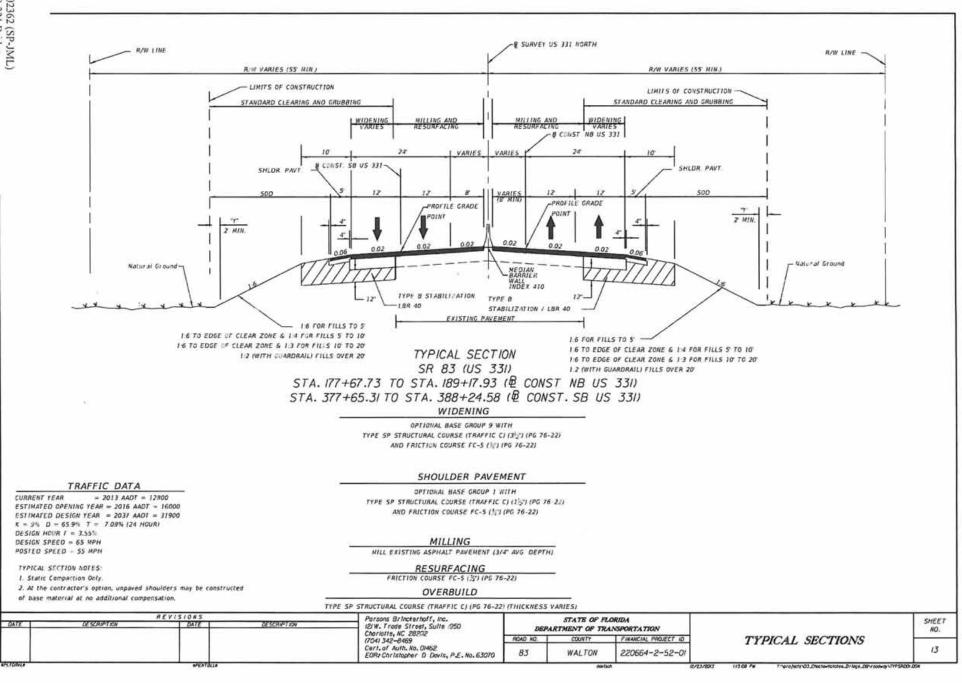
SAJ-2013-02362 (SP-JML) FDOT – US-331 Bridge Page #17 of 34 February 2, 2015 Permit Drawings Attachment #1

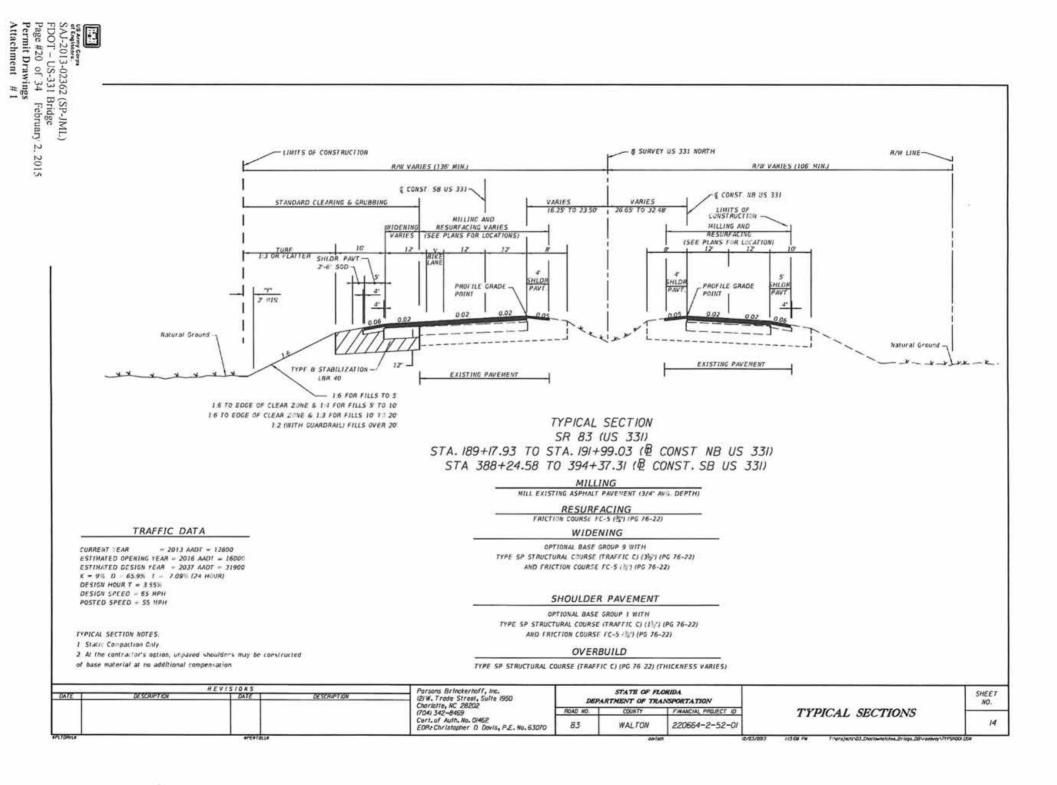


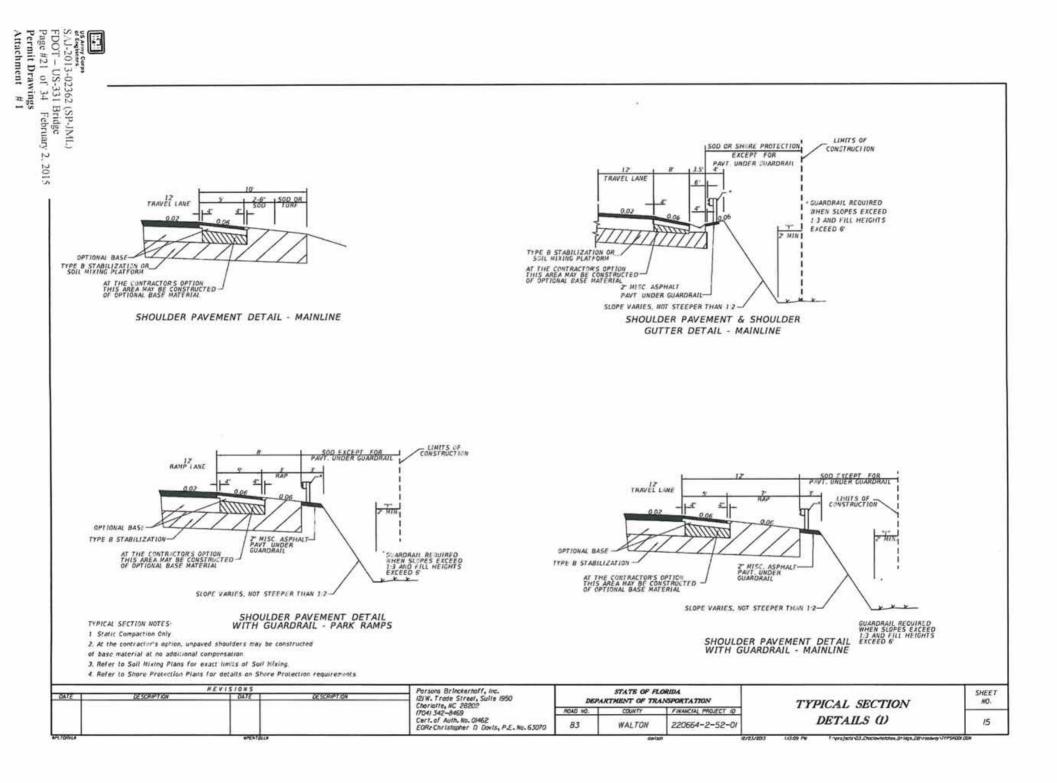
ut any corr SAJ-2013-02362 (SP-JML) FDOT – US-331 Bridge Page #18 of 34 February 2, 2015 Permit Drawings Attachment #1











GENERAL NOTES

- All bearings grid, State Plane Coordinate System NAD 83/90 by FDOT furnished control points. Bench Work Datum is NAVD-88.
- 2. Existing drainage structures within construction limits shall remain, unless otherwise noted.
- 3. The location(s) of the utilities shown in the plans are based on limited investigation techniques and should be considered opproximate any. The verifed locations / elevations apply only at the point shown. Interpolations between these points have not been verified. Utilities shall remain unless otherwise noted
- The Contractor shall notify utility owners through Sunshine One Coll OF Florida Inc (I-800-432-4770) and utility owners listed below 48 hours in advance of beginning construction on the Job site.

UTILITY OWNERS:

COMPANY	CONTACT	TELEPHONE NUMBERS
Cheico, Inc.	Matthew Avery	(850) 892211
Centurylink	Kelth Nance	(850) 664-3751
City of Freeport	Larry Tuggle	(850) 835-2822
Cox Communications	Roger Dixon	(850) 314-8163
Wediocom Cobie	Joar Pridgen	(850) 729-4870
Okalposa Gas District	Essa Rhebi	(850) 729-4870
Regional Utilities	Nelli O'Cannell	(850) 739-4870
WRP, Inc.	Pete DeBogory	(850) 837-2988

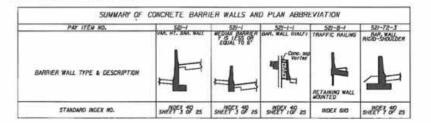
- 5. Any Public Land Survey System Corner or any manument that perpetuates the FDOT right of way within the limits of construction is to be protected by the contractor. If a manument is in danger of being distrayed and has not been property referenced, the Project Administrator should notify the District Surveyor, without delay, by telephone at (850)330-1400.
- 5. Existing driveways within the limits of this project are to be replaced at the same location and width, unless otherwise shown in plans.
- 7. The use of Turf is not permitted within the causeway limits unless otherwise approved by the engineer.
- 8. All projects requiring well-pointing or other pumping of ground water or surface water will need to be coordinated with the District Contamination impacts Coordinator (DCIC) in order to insure all aspects of the NPDES permit requirements are fulfilled. The DCIC can be reached in the District Office by calling (BS) 330-151. An additional permit may be needed dependent upon the Contractor's approach to certain aspects of the project.
- 10. As shown in the plans, the contractor shall remove existing boat ramps and corresponding docks making them un- usable and restore to its natural grade. Sod or other stabilizing material shall be placed in areas above WHW for stabilization of the slope unless otherwise specified in the plans. All wood pllings shall be removed to a min. I foot below mudline.
- II. The existing seawall shall remain unless noted on the plans. For remaval with fill required over tap, contractor shall remove concrete or wood plies down to at least the existing mudilne.
- 12. Contractor shall maintain parking and access to at least two existing boat ramps at all times until the proposed park boat ramps are in place and operational. Contractor may temporary clase one additional boat ramp. In the event the existing boat ramp access cannot be safetly maintained.

- 13. The Contractor will restrict personnel, the use of equipment and the storage of materials to areas within the limits of construction is noted on the plan sheets. Any off-site storage area will require prior review by FDDT Demo Staff. The Cantractor will submit a request for use of off-site storage - site areas i Ms. Amanda Marshail, Environmental Management Engineer, FDDT, P.O. Box 607, Childrey, Fi32428-0607.
- 14. Two lanes on SR 83/US 33 must be open for traffic within 12 hours of an evocuation notice of a hurricone or other catastrophic events and shall remain open for the duration of the evocuation or event as directed by the Protect Administrator.
- 15. The Contractor is to maintain and keep street name identification visible during construction operations. In order to facilitate emergency vehicle traffic.
- 15. An FDEP Generic Permit for Starmwater Discharge from Large and Small Construction Activities, to be furnished and obtained by the contractor, will be required for this project.
- 17. Type II Object Markers shall be placed at every headwall, including those outside the clear zone.
- 18. The Contractor is responsible for removing all memorial markers conflicting with construction and delivering them to the local Maintenance Engineer with a description of where it was removed (i.e. sta/offset). Cast is to be considered incedentia. The markers shall be replaced by Maintenance offer completion of the construction contract.
- 19. The Contractor will be required to coordinate construction efforts with other contractors that have been Issued an FDOT permit within the limits of this project. In addition, the contractor will be responsible for the coordination of all construction schedules and traffic control phasing of adjacent project(s).
- 20. Construction debris generated by the Contractor during construction of this project shall be removed by the Contractor and disposed of in approved disposal sites furnished by the Contractor.
- 21. The Contractor shall maintain existing stand detection at the Chat Holley Intersection for all phases on construction.

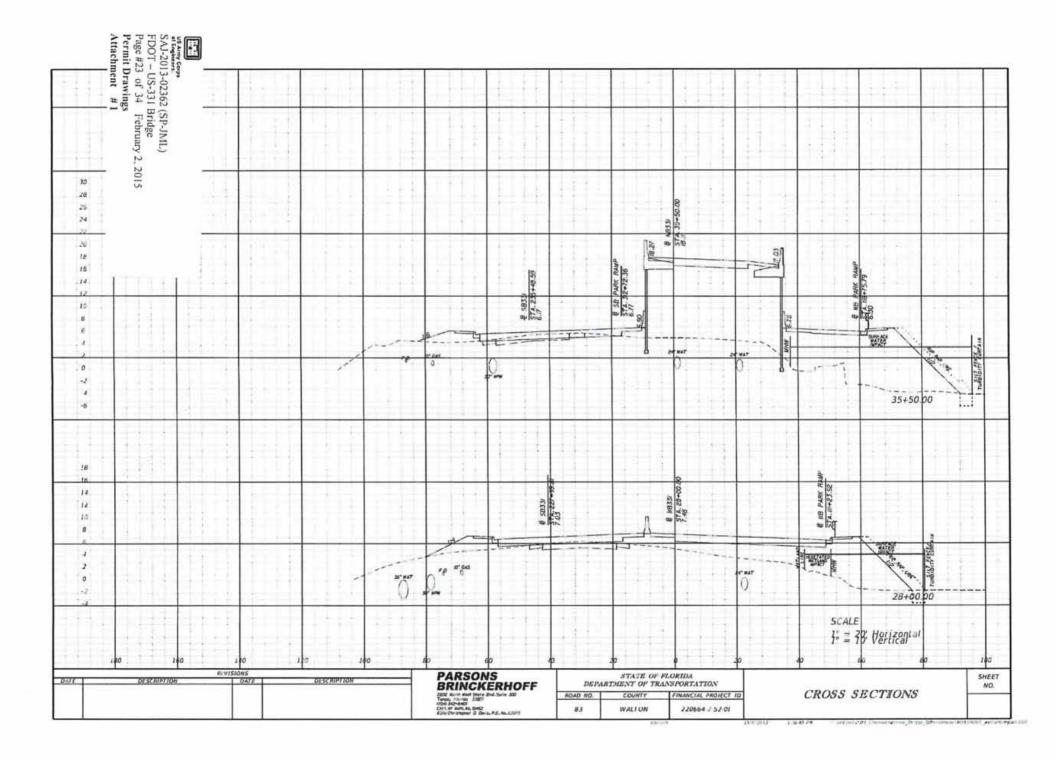
Potential Contaminiated Soll Notes

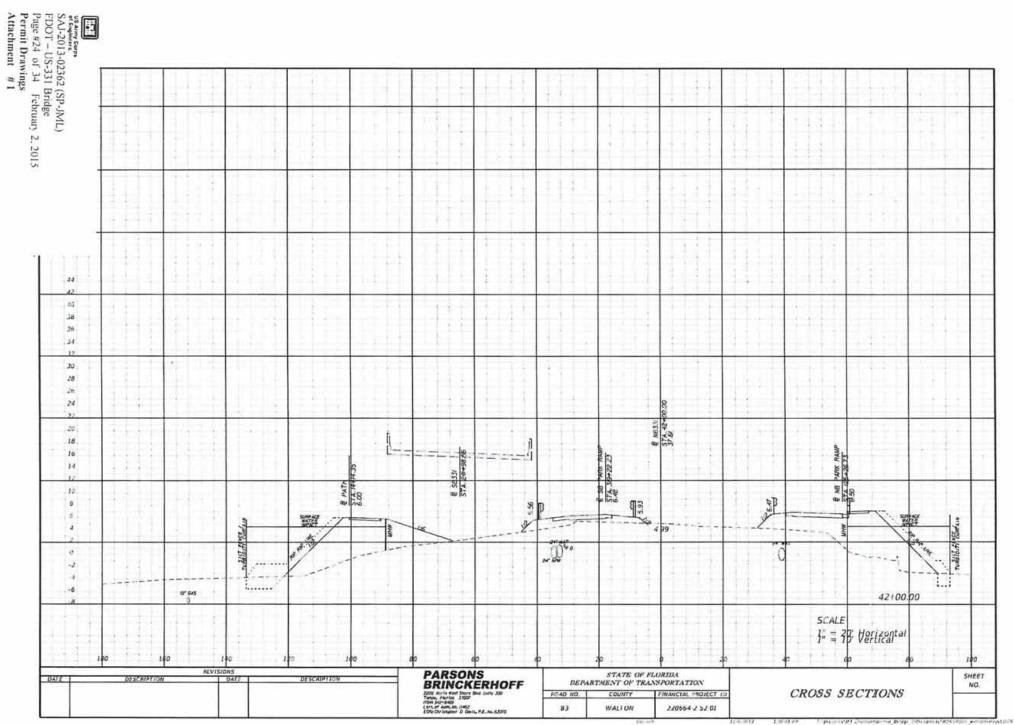
9. Refer to Share Protection Plans for delineation of existing rip-rap that can remain or be re-used within the causeway limits. Potentially contaminated soils have been located in an area fram approximately & Survey Sta. 253+00 to Sta. 259+00 on the left side of the existing roadway and extend out past the R/W.

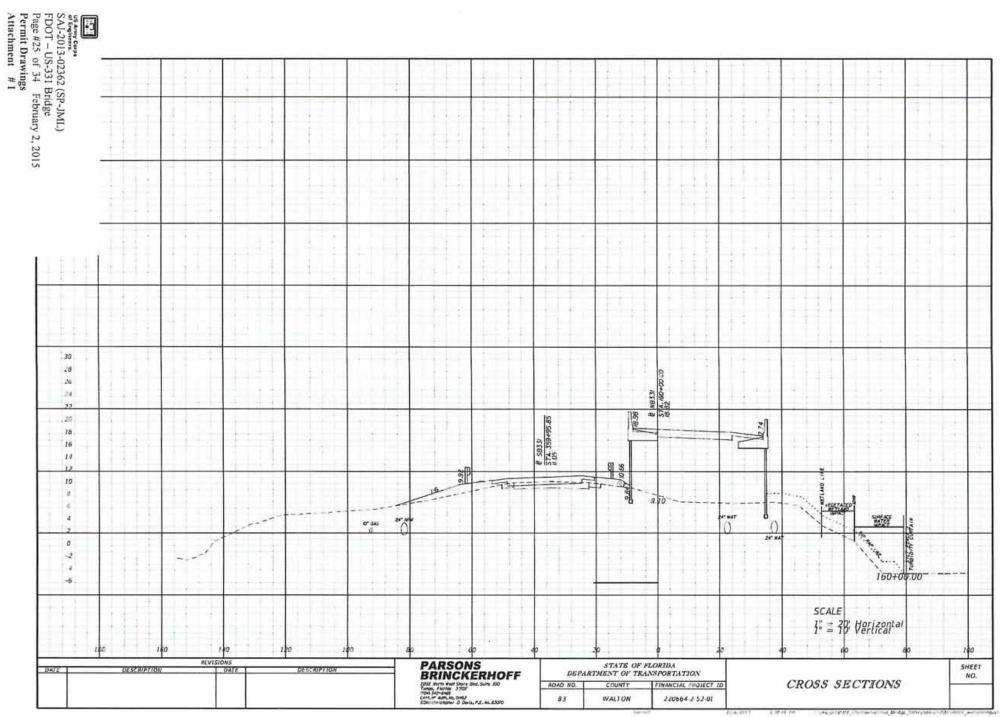
- Two weeks prior to construction in these area, contact FDOT District Contamination Impacts Coordinator, at 18501 330-1511 so that an FDOT representative can be available, if needed. 2.
- 3. FDOT will dispose of any contaminated soil encountered by the Contractor. In the contaminated areas. The quantity of contaminated soils within the impocted area is unknown. Also, any fill quantity needed to replace contaminated soils encount.



REVISIONS			Parsons Brinckerhoff, Inc.	Parsons Brinckerhoff, Inc. STATE OF FLORIDA					
DATE	DATE DESCRIPTION DATE		DESCRIPTION	121W. Trade Street, Sulte 1950 Charlotte, NC 28202	DEPARTMENT OF TRANSPORTATION				SHEET NO.
		1 1		(704) 342-8469	RDAD NO.	COUNTY	FINANCIAL PROJECT ID	GENERAL NOTES	-
				Cart. of Auth. No. 0462 EOR: Christopher D Davis, P.E. No. 63070	83	WALTON	220664-2-52-01		23

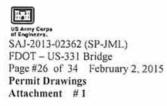






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Proposed Pilcher Park



SAJ-2013-02362 (S FDOT – US-331 B Page #27 of 34 1 Permit Drawings Attachment #1 2 (SP-JML) Bridge SONTRAL NOTES

February

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COMPANY	CONTRACT	151 SPHONE NUMBER	
CHELCO INC.	MATTHEW AVERS	450-607-2111	
CENTURYLINK	KETH NANCE	890-664-3751	
DOX COMMENCA HONS	ROCH BDOOM	#50-014-616h	
NEDIACOM CABLE	JOEY PRIDGEN	010406-03/1	
OKALOGUA GAS DICTRICT	ESSA RHCEI	850-721-4870	
RECIONAL UTERTES	NEBLI OCONELL	850-3.11-5114 EXT 2'6	
WHP INC	PETE DEBOGORY	940-237-2588	

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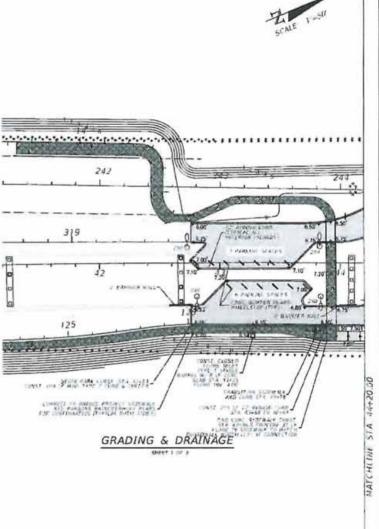
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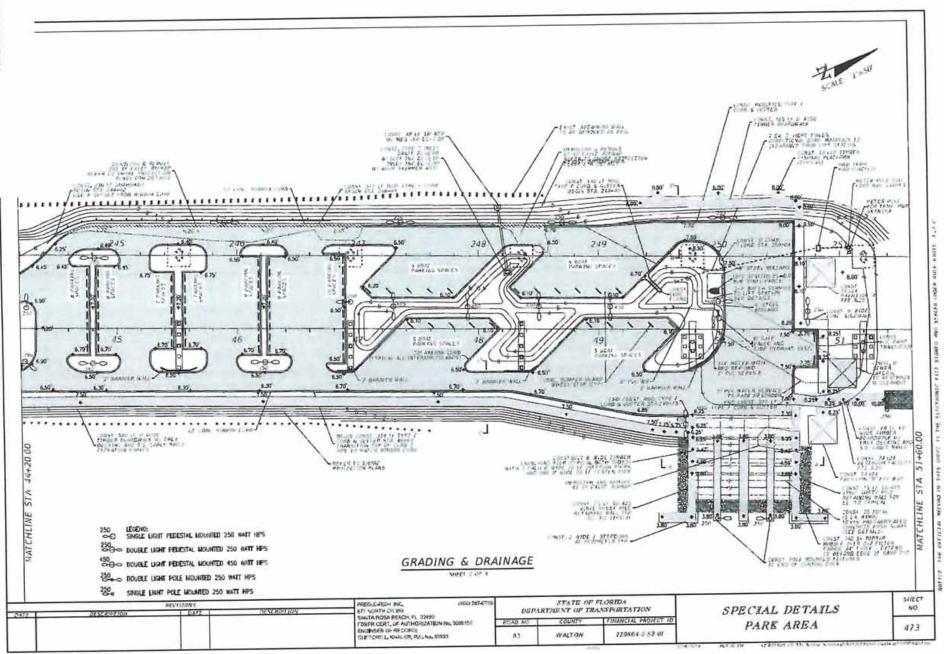
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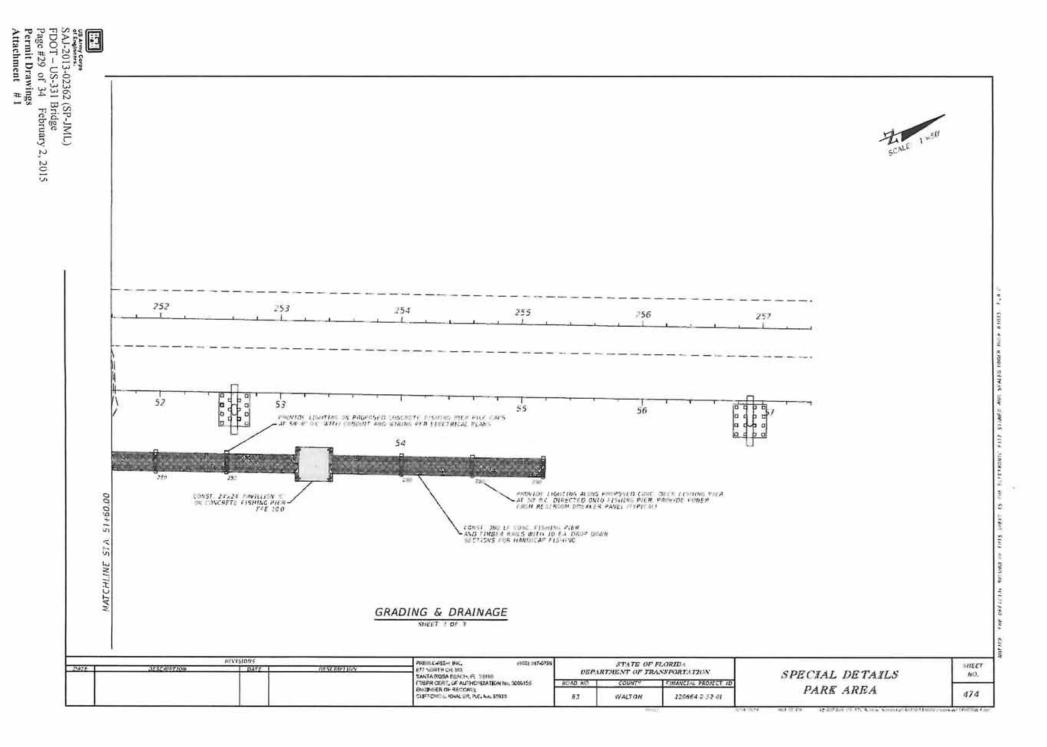
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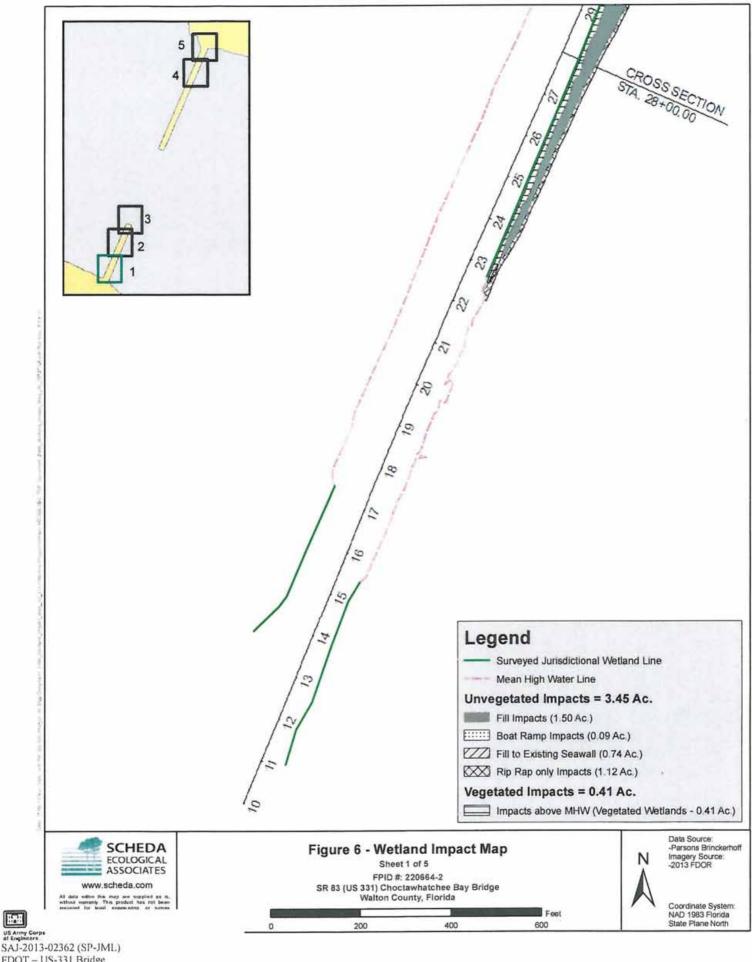
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US AUTOPORT SAL-2013-02362 (SP-JML) FDOT – US-331 Bridge Page #28 of 34 February 2, 2015 Permit Drawings Attachment #1

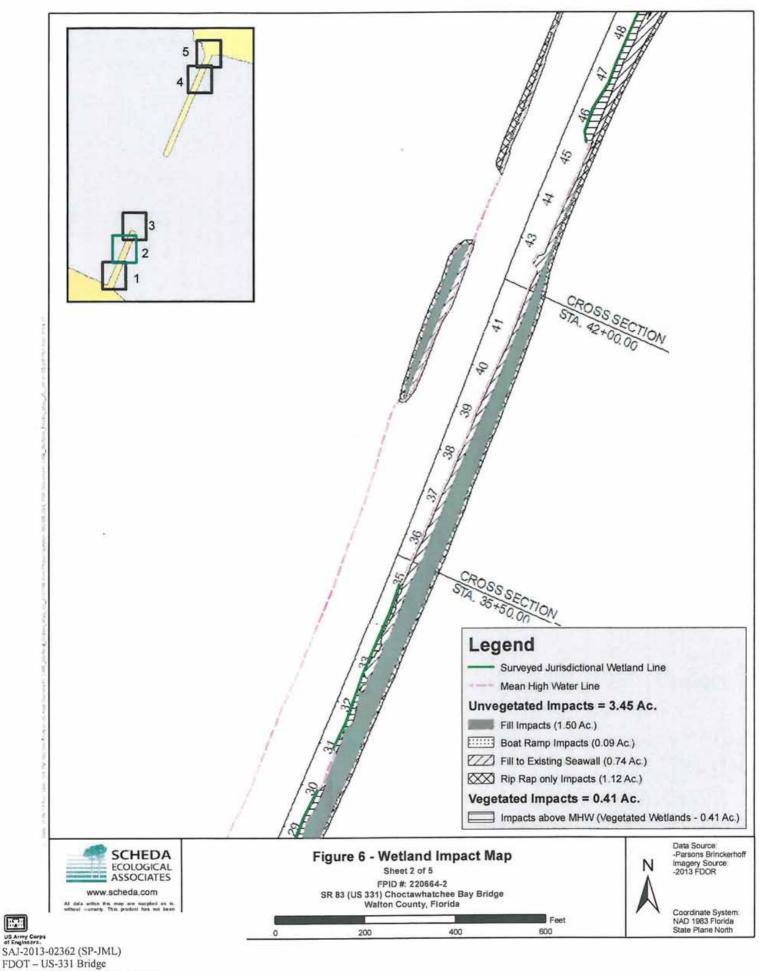




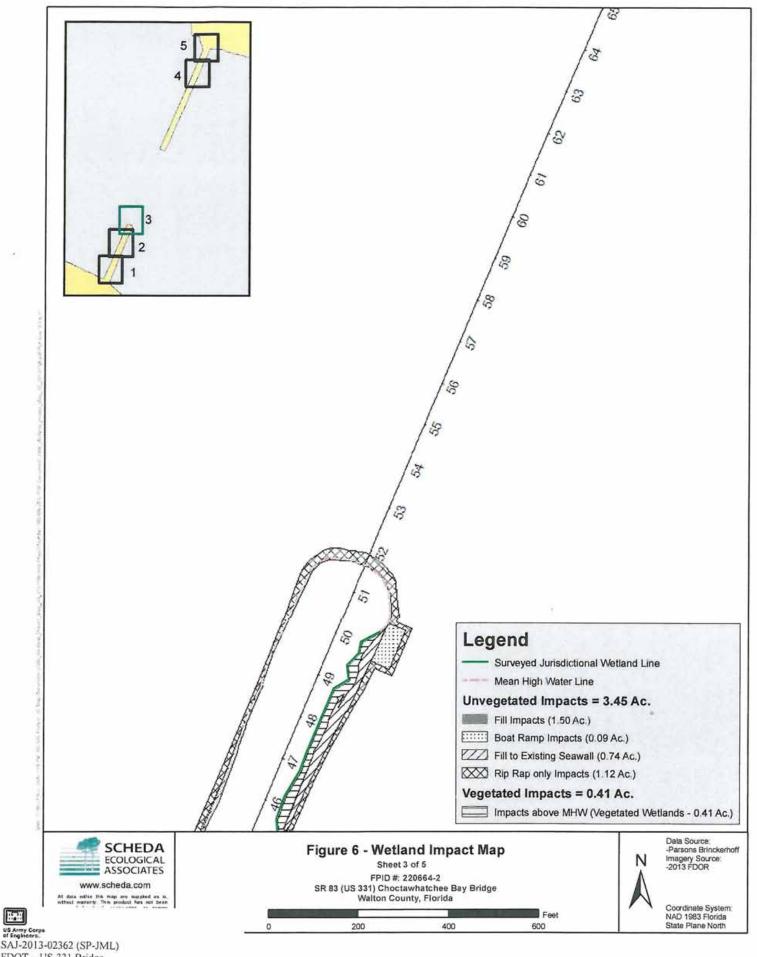


FDOT - US-331 Bridge Page #30 of 34 February 2, 2015 Permit Drawings

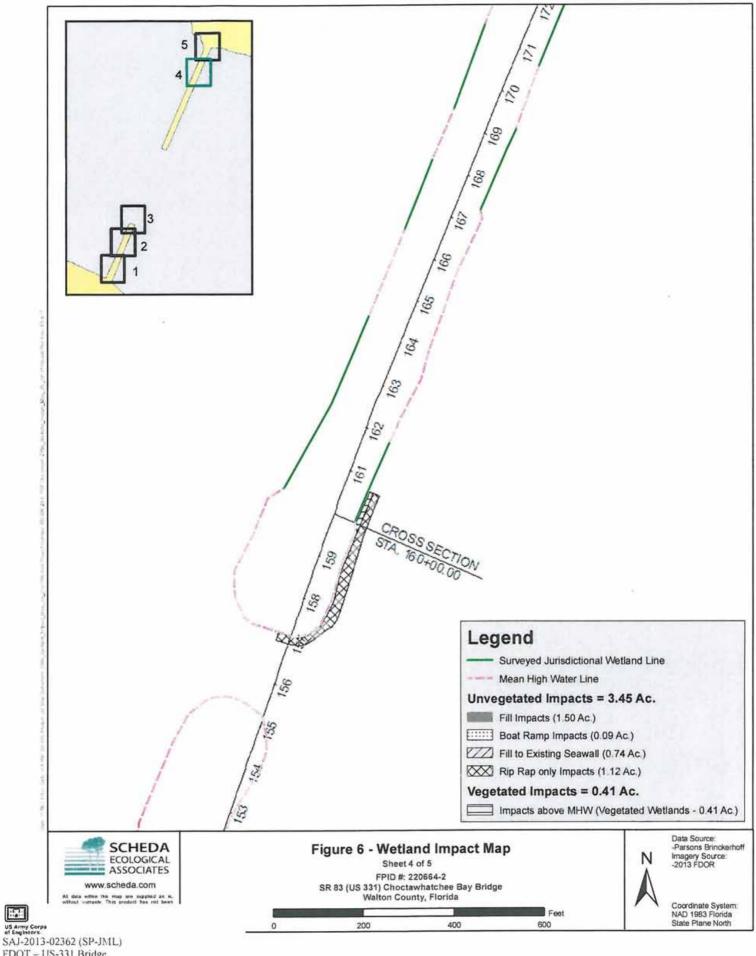
Attachment #1



Page #31 of 34 February 2, 2015 Permit Drawings Attachment #1

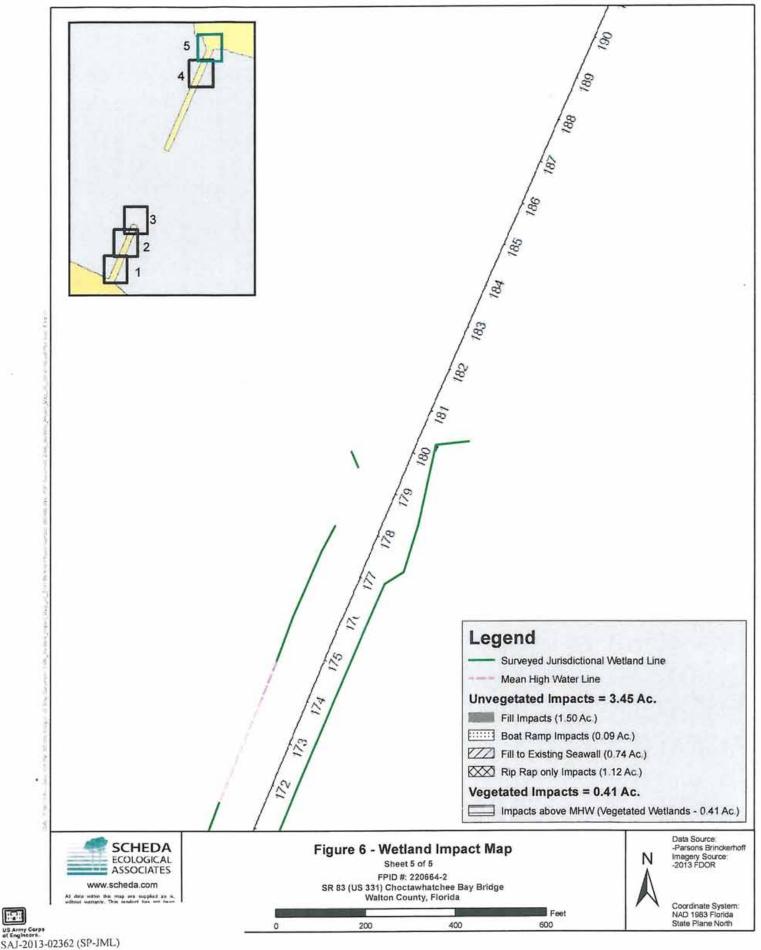


SAJ-2013-02362 (SP-JML) FDOT – US-331 Bridge Page #32 of 34 February 2, 2015 Permit Drawings Attachment #1



FDOT - US-331 Bridge Page #33 of 34 February 2, 2015 **Permit Drawings** Attachment #1

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SAJ-2013-02362 (SP-JML) FDOT – US-331 Bridge Page #34 of 34 February 2, 2015 Permit Drawings Attachment #1



FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

160 W. GOVERNMENT STREET, SUITE 308 PENSACOLA, FLORIDA 32502-5740 RICK SCOTT GOVERNOR

CARLOS LOPEZ-CANTERA LT, GOVERNOR

HERSCHEL T. VINYARD JR. SECRETARY

Permittee/Authorized Entity: Joy Swanson – Permits Coordinator Florida Department of Transportation – District 3 1074 Highway 90 East Chipley, Florida 32428, Walton County Joy.Swanson@dot.state.fl.us

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

VS Army Corps et Engineers. SAJ-2013-02362 (SP-JML) FDOT – US-331 Bridge Page #1 of 18 February 2, 2015 Water Quality Certification Attachment #2 www.dep.state.fl.us

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.).

Permittee: Joy Swanson, Permits Coordinator – FDOT District 3 Permit No: 66-0274274-010-EI Page 2 of 17

US Army Corps of Explorer. SAJ-2013-02362 (SP-JML) FDOT – US-331 Bridge Page #2 of 18 February 2, 2015 Water Quality Certification Attachment #2

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

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Vis Amy Corps of Engineers SAJ-2013-02362 (SP-JML) FDOT – US-331 Bridge Page #3 of 18 February 2, 2015 Water Quality Certification Attachment #2 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.

US Army Corps of Engineera. SAJ-2013-02362 (SP-JML) FDOT – US-331 Bridge Page #4 of 18 February 2, 2015 Water Quality Certification Attachment #2 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 <u>Andrew.Joslyn@dep.state.fl.us</u> 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:

- 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

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Vis Army Corps of Engineers: SAJ-2013-02362 (SP-JML) FDOT – US-331 Bridge Page #5 of 18 February 2, 2015 Water Quality Certification Attachment #2 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
 - 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 <u>www.fleppc.org</u>, 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).

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VS Army Corps of Explorers. SAJ-2013-02362 (SP-JML) FDOT – US-331 Bridge Page #6 of 18 February 2, 2015 Water Quality Certification Attachment #2 26. Wildlife conservation measures for pile-driving activities under this authorization shall be submitted to the Department and the FWC at (<u>ImperiledSpecies@myfwc.com</u>) 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 (<u>ImperiledSpecies@myfwc.com</u>) 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.

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Vis Army Corps of Englacesta SAJ-2013-02362 (SP-JML) FDOT – US-331 Bridge Page #7 of 18 February 2, 2015 Water Quality Certification Attachment #2 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 <u>Andrew.Joslyn@dep.state.fl.us</u>.

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:

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- 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
- 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 <u>Andrew.Joslyn@dep.state.fl.us</u>.

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

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US Army Corps of Engliment. SAJ-2013-02362 (SP-JML) FDOT – US-331 Bridge Page #9 of 18 February 2, 2015 Water Quality Certification Attachment #2 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:

- 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 1) 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

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VS Army Corps of Engineers. SAJ-2013-02362 (SP-JML) FDOT – US-331 Bridge Page #10 of 18 February 2, 2015 Water Quality Certification Attachment #2 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

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Vis Army Corps of Engineers: SAJ-2013-02362 (SP-JML) FDOT – US-331 Bridge Page #11 of 18 February 2, 2015 Water Quality Certification Attachment #2 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.

 Structures or activities will be constructed and used to avoid or minimize adverse impacts to resources.

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Viš Anny Gorps of Englandson SAJ-2013-02362 (SP-JML) FDOT – US-331 Bridge Page #12 of 18 February 2, 2015 Water Quality Certification Attachment #2 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.

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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

Permittee: Joy Swanson, Permits Coordinator – FDOT District 3 Permit No: 66-0274274-010-EI Page 14 of 17

US Army Corps Engineers. SAJ-2013-02362 (SP-JML) FDOT – US-331 Bridge Page #14 of 18 February 2, 2015 Water Quality Certification Attachment #2 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.

Permittee: Joy Swanson, Permits Coordinator – FDOT District 3 Permit No: 66-0274274-010-EI Page 15 of 17

VS Army Corps et Engineers SAJ-2013-02362 (SP-JML.) FDOT – US-331 Bridge Page #15 of 18 February 2, 2015 Water Quality Certification Attachment #2 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 <u>Heather.Mason@dep.state.fl.us</u>. For any stormwater matters, please contact Rich Boelens at the letterhead address, at (850) 595-0567, or by e-mail at <u>Richard.Boelens@dep.state.fl.us</u>.

Executed in Escambia County, Florida

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

Janes A Modalo

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) Sandra Scheda Klaus, Scheda Ecological Associates, Inc. (sscheda@scheda.com) Russell Burdge, Scheda Ecological Associates, Inc. (rburdge@scheda.com) Brandon Gray, Scheda Ecological Associates, Inc. (bgray@scheda.com) Kerrie Harrell, FDOT (kerrie.harrell@dot.state.fl.us) David Nardon, Skanska (david.nardon@skanska.com) Scott Randall, Skanska (scott.randall@skanska.com) Ted Hoehn, FWC (ted.hoehn@myfwc.com) Amy Raybuck, FWC (amy.raybuck@myfwc.com) Lisa Gregg, FWC (lisa.gregg@myfwc.com)

Permittee: Joy Swanson, Permits Coordinator – FDOT District 3 Permit No: 66-0274274-010-EI Page 16 of 17

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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/emailed 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 Bass 5/30/2014 Clerk Date

68 pages attached

Permittee: Joy Swanson, Permits Coordinator - FDOT District 3 Permit No: 66-0274274-010-EI Page 17 of 17

1:21

US Army Corps of Engineers SAJ-2013-02362 (SP-JML) FDOT - US-331 Bridge Page #17 of 18 February 2, 2015 Water Quality Certification Attachment #2

Exhibit 2

STORMWATER OPERATION / MAINTENANCE PLAN

AFTER EACH RAINFALL EVENT

- Debris in retention/detention areas All debris and foreign material shall be removed immediately
- 2. Yard Inlets, Catch Basins, etc. All debris and foreign materials shall be removed immediately

PERIODIC POND/SYSTEM MAINTENANCE

- 1. Cleaning/sweeping of pavement areas shall be accomplished monthly if needed.
- 2. Inspect pond periodically for accumulation of trash and debris and schedule removal activities prior to the next inspection.
- 3. Mowing and landscaping maintenance should be done no less than three (3) times during the active growing season for this area.
- Weeds or undesirable growth shall be removed during the next periodic mowing/clean up cycles.
- 5. Catch basins shall be flushed as necessary (if any).
- 6. The Maintenance Entity shall re-grade and re-stabilize swale/retention/detention areas as required to maintain the approved design, cross-section, line, and grade.
- Remove sediment from pond when accumulation reaches four (4) inches. Measure accumulation once a year.

INSPECTIONS

- A maintenance inspection must be performed by a registered professional, <u>one</u> <u>year</u> after conversion to the Operation Phase and then <u>every five years</u> <u>thereafter</u>.
- The inspection must be conducted using the plans, calculations and specifications approved by the Agency.
- The maintenance inspection must be documented on Form 62-330.311(1), "Operation and Maintenance Inspection Certification". The inspection Form must be maintained and made available to Agency staff upon request.

US Aumy Corps of Engineers. SAJ-2013-02362 (SP-JML) FDOT – US-331 Bridge Page #18 of 18 February 2, 2015 Water Quality Certification Attachment #2

1.1

STANDARD MANATEE CONDITIONS FOR IN-WATER WORK 2011

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

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

SAJ-2013-02362 (SP-JML) FDOT – US-331 Bridge Page #1 of 2 February 2, 2015 Manatee Conditions Attachment #3

CAUTION: MANATEE HABITAT

All project vessels

IDLE SPEED / NO WAKE

When a manatee is within 50 feet of work all in-water activities must

SHUT DOWN

Report any collision with or injury to a manatee: Wildlife Alert:

1-888-404-FWCC(3922)

cell *FWC or #FWC



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

SEA TURTLE AND SMALLTOOTH SAWFISH CONSTRUCTION CONDITIONS

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

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

Revised: March 23, 2006 O:\forms\Sea Turtle and Smalltooth Sawfish Construction Conditions.doc



US Army Corps forgheres. SAJ-2013-02362 (SP-JML) FDOT – US-331 Bridge Page # 1 of 1 February 2, 2015 Sea Turtle - Sawfish Conditions Attachment #4

STANDARD PROTECTION MEASURES FOR THE EASTERN INDIGO SNAKE U.S. Fish and Wildlife Service August 12, 2013

The eastern indigo snake protection/education plan (Plan) below has been developed by the U.S. Fish and Wildlife Service (USFWS) in Florida for use by applicants and their construction personnel. At least **30 days prior** to any clearing/land alteration activities, the applicant shall notify the appropriate USFWS Field Office via e-mail that the Plan will be implemented as described below (North Florida Field Office: jaxregs@fws.gov; South Florida Field Office: verobeach@fws.gov; Panama City Field Office: panamacity@fws.gov). As long as the signatory of the e-mail certifies compliance with the below Plan (including use of the attached poster and brochure), no further written confirmation or "approval" from the USFWS is needed and the applicant may move forward with the project.

If the applicant decides to use an eastern indigo snake protection/education plan other than the approved Plan below, written confirmation or "approval" from the USFWS that the plan is adequate must be obtained. At least 30 days prior to any clearing/land alteration activities, the applicant shall submit their unique plan for review and approval. The USFWS will respond via e-mail, typically within 30 days of receiving the plan, either concurring that the plan is adequate or requesting additional information. A concurrence e-mail from the appropriate USFWS Field Office will fulfill approval requirements.

The Plan materials should consist of: 1) a combination of posters and pamphlets (see **Poster Information** section below); and 2) verbal educational instructions to construction personnel by supervisory or management personnel before any clearing/land alteration activities are initiated (see **Pre-Construction Activities** and **During Construction Activities** sections below).

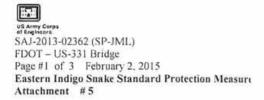
POSTER INFORMATION

Posters with the following information shall be placed at strategic locations on the construction site and along any proposed access roads (a final poster for Plan compliance, to be printed on 11" x 17" or larger paper and laminated, is attached):

DESCRIPTION: The eastern indigo snake is one of the largest non-venomous snakes in North America, with individuals often reaching up to 8 feet in length. They derive their name from the glossy, blue-black color of their scales above and uniformly slate blue below. Frequently, they have orange to coral reddish coloration in the throat area, yet some specimens have been reported to only have cream coloration on the throat. These snakes are not typically aggressive and will attempt to crawl away when disturbed. Though indigo snakes rarely bite, they should NOT be handled.

SIMILAR SNAKES: The black racer is the only other solid black snake resembling the eastern indigo snake. However, black racers have a white or cream chin, thinner bodies, and WILL BITE if handled.

LIFE HISTORY: The eastern indigo snake occurs in a wide variety of terrestrial habitat types throughout Florida. Although they have a preference for uplands, they also utilize some wetlands



and agricultural areas. Eastern indigo snakes will often seek shelter inside gopher tortoise burrows and other below- and above-ground refugia, such as other animal burrows, stumps, roots, and debris piles. Females may lay from 4 - 12 white eggs as early as April through June, with young hatching in late July through October.

PROTECTION UNDER FEDERAL AND STATE LAW: The eastern indigo snake is classified as a Threatened species by both the USFWS and the Florida Fish and Wildlife Conservation Commission. "Taking" of eastern indigo snakes is prohibited by the Endangered Species Act without a permit. "Take" is defined by the USFWS as an attempt to kill, harm, harass, pursue, hunt, shoot, wound, trap, capture, collect, or engage in any such conduct. Penalties include a maximum fine of \$25,000 for civil violations and up to \$50,000 and/or imprisonment for criminal offenses, if convicted.

Only individuals currently authorized through an issued Incidental Take Statement in association with a USFWS Biological Opinion, or by a Section 10(a)(1)(A) permit issued by the USFWS, to handle an eastern indigo snake are allowed to do so.

IF YOU SEE A LIVE EASTERN INDIGO SNAKE ON THE SITE:

- Cease clearing activities and allow the live eastern indigo snake sufficient time to move away from the site without interference;
- · Personnel must NOT attempt to touch or handle snake due to protected status.
- · Take photographs of the snake, if possible, for identification and documentation purposes.
- Immediately notify supervisor or the applicant's designated agent, **and** the appropriate USFWS office, with the location information and condition of the snake.
- If the snake is located in a vicinity where continuation of the clearing or construction activities will cause harm to the snake, the activities must halt until such time that a representative of the USFWS returns the call (within one day) with further guidance as to when activities may resume.

IF YOU SEE A DEAD EASTERN INDIGO SNAKE ON THE SITE:

- Cease clearing activities and immediately notify supervisor or the applicant's designated agent, **and** the appropriate USFWS office, with the location information and condition of the snake.
- Take photographs of the snake, if possible, for identification and documentation purposes.
- Thoroughly soak the dead snake in water and then freeze the specimen. The appropriate wildlife agency will retrieve the dead snake.

Telephone numbers of USFWS Florida Field Offices to be contacted if a live or dead eastern indigo snake is encountered:

North Florida Field Office – (904) 731-3336 Panama City Field Office – (850) 769-0552 South Florida Field Office – (772) 562-3909

PRE-CONSTRUCTION ACTIVITIES

1. The applicant or designated agent will post educational posters in the construction office and throughout the construction site, including any access roads. The posters must be clearly visible to all construction staff. A sample poster is attached.

2. Prior to the onset of construction activities, the applicant/designated agent will conduct a meeting with all construction staff (annually for multi-year projects) to discuss identification of the snake, its protected status, what to do if a snake is observed within the project area, and applicable penalties that may be imposed if state and/or federal regulations are violated. An educational brochure including color photographs of the snake will be given to each staff member in attendance and additional copies will be provided to the construction superintendent to make available in the onsite construction office (a final brochure for Plan compliance, to be printed double-sided on 8.5" x 11" paper and then properly folded, is attached). Photos of eastern indigo snakes may be accessed on USFWS and/or FWC websites.

3. Construction staff will be informed that in the event that an eastern indigo snake (live or dead) is observed on the project site during construction activities, all such activities are to cease until the established procedures are implemented according to the Plan, which includes notification of the appropriate USFWS Field Office. The contact information for the USFWS is provided on the referenced posters and brochures.

DURING CONSTRUCTION ACTIVITIES

1. During initial site clearing activities, an onsite observer may be utilized to determine whether habitat conditions suggest a reasonable probability of an eastern indigo snake sighting (example: discovery of snake sheds, tracks, lots of refugia and cavities present in the area of clearing activities, and presence of gopher tortoises and burrows).

2. If an eastern indigo snake is discovered during gopher tortoise relocation activities (i.e. burrow excavation), the USFWS shall be contacted within one business day to obtain further guidance which may result in further project consultation.

3. Periodically during construction activities, the applicant's designated agent should visit the project area to observe the condition of the posters and Plan materials, and replace them as needed. Construction personnel should be reminded of the instructions (above) as to what is expected if any eastern indigo snakes are seen.

POST CONSTRUCTION ACTIVITIES

Whether or not eastern indigo snakes are observed during construction activities, a monitoring report should be submitted to the appropriate USFWS Field Office within 60 days of project completion. The report can be sent electronically to the appropriate USFWS e-mail address listed on page one of this Plan.

AS-BUILT CERTIFICATION BY PROFESSIONAL ENGINEER

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Attachment #6

 Department of the Army Pern Permittee Information: 	nit Number: <u>SAJ-2013-02362 (SP-JML)</u>	
Name:		
Address:		
3. Project Site Identification (phy	ysical location/address):	
by Special Conditions to the peri	y certify that the authorized work, including mit, has been accomplished in accordance	with the Department of
by Special Conditions to the peri the Army permit with any deviation observation, scheduled, and con		with the Department of sed upon on-site
by Special Conditions to the peri the Army permit with any deviation observation, scheduled, and con supervision. I have enclosed on	mit, has been accomplished in accordance ons noted below. This determination is banducted by me or by a project representativ the set of as-built engineering drawings.	with the Department of sed upon on-site
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by Special Conditions to the peri the Army permit with any deviation observation, scheduled, and con supervision. I have enclosed on Signature of Engineer (FL, PR, or VI) Reg. Number	mit, has been accomplished in accordance ons noted below. This determination is banducted by me or by a project representative set of as-built engineering drawings. Name (<i>Please type</i>) Company Name	with the Department of sed upon on-site re under my direct

Identify any deviations from the approved permit drawings and/or special conditions (attach additional pages if necessary):

US Amy Corps of Engineers. SAJ-2013-02362 (SP-JML) FDOT – US-331 Bridge Page #2 of 2 February 2, 2015 As-Built Certification Attachment #6

COMPENSATORY MITIGATION PLAN FOR SR 83 (US 331) CHOCTAWHATCHEE BAY BRIDGE SAJ-2013-02362

Financial Project ID No. 220664-2

Walton County, Florida

Prepared for: Florida Department of Transportation **District Three** 1074 Highway 90 East Chipley, Florida 32428

Submitted To: U.S. Army Corps of Engineers North Permits Branch Panama City Permits Section 1002 West 23rd Street, Suite 350 Panama City, FL 32405

Prepared By: Scheda Ecological Associates, Inc. 5892 East Fowler Avenue Tampa, FL 33617

September 2014



US Army Corps of Engineers. SAJ-2013-02362 (SP-JML) FDOT - US-331 Bridge Page #1 of 32 February 2, 2015 Mitigation Procedures/Plan/Asso. Mitigated Actions Attachment #7

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7.0	MAINTENACNE PLAN
8.0	PERFORMANCE STANDARDS
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Figure 2. Conceptual Wetland Mitigation Plan

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Appendix B. Wetland Mitigation Plans

US ANY COPS of Construction SAJ-2013-02362 (SP-JML) FDOT – US-331 Bridge Page #2 of 32 February 2, 2015 Mitigation Procedures/Plan/Asso. Mitigated Actions Attachment #7

1.0 OBJECTIVES

The objective of the wetland mitigation plan is to ensure that the 0.20 Functional Loss (FL) units of wetland impacts associated with the above referenced project will be adequately compensated for, and to ensure that there will be no net loss of wetlands. Compensation for the wetland impacts will consist of a combination of purchasing saltmarsh mitigation credits from the Live Oak Point Mitigation Bank, which is managed by the Northwest Florida Water Management District (NWFWMD), and the onsite enhancement of up to 0.89 acres of shoreline along the western portion of the northern causeway to be converted from barren surface water areas to a saltmarsh habitat (**Tables 2 and 3**). Additionally, 0.19 acres of upland buffer adjacent to the wetland enhancement areas will be enhanced via nuisance vegetation removal and replanting with desirable upland transitional vegetation. A map depicting the approximate location of the onsite wetland enhancement areas is located in **Figures 1 and 2**. The Live Oak Point Mitigation Bank is located approximately 5.00 miles west of the project within the Choctawhatchee Bay Watershed.

Target Objectives

Target objectives for the enhancement area shall consist of:

- At least 80 percent cover by appropriate wetland species (i.e., FAC or wetter); and
- 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 http://www.fleppc.org, and the nuisance species, common reed (*Phragmites australis*) and cattail (*Typha* spp.) shall not exceed 5 percent.

2.0 SITE SELECTION

Several potential mitigation alternatives were explored prior to selecting this mitigation site. Per the 2008 Final Compensatory Mitigation Rule (40 CFR Section 230) which established a preferred hierarchy of mitigation options. The preferred hierarchy is as follows:

- mitigation bank credits;
- in-lieu fee program credits;
- permittee-responsible mitigation under a watershed approach;
- permittee-responsible mitigation through on-site and in-kind mitigation; and
- permittee-responsible mitigation through off-site and/or out-of-kind mitigation.

A search on the Regulatory In-lieu Fee and Bank Information Tracking System (RIBITS) concluded that the there are no federally permitted mitigation banks within this watershed with estuarine emergent credits. Therefore, this option would require regulatory approval of a project cumulative impact analysis for out-of-basin mitigation, therefore, it was not pursued.

The NWFWMD maintains a wetland mitigation bank for FDOT wetland impacts located at Live Oak Point Mitigation, but currently only contains 0.07 of estuarine emergent credits, as the remainder of the bank's mitigation credits were purchased to offset impacts associated with other portions of SR 83 / US331. Therefore, a total of 0.07 credits will be purchased from this bank, leaving a remainder of 0.13 credits to be compensated elsewhere.

Permittee-responsible mitigation was therefore the most viable alternative to achieve the remaining mitigation requirement. Onsite mitigation opportunities in the form of wetland enhancement in the footprint of some the docks and boat ramp structures to be demolished as part of the project have been evaluated. Following the removal of existing structures, these areas could be replanted with native wetland species along with creating an oyster bag breakwater to reduce erosion, thereby restoring and enhancing the natural shoreline.

3.0 SITE PROTECTION INSTRUMENT

The Live Oak Point Mitigation Area is already placed under a perpetual conservation easement. There are no plans to expand the causeway or bridge structures in the near future; therefore, the onsite wetland enhancement areas will remain protected. Additionally, wetland mitigation signs, stating "This is a restrictive area – entry, removal, or destruction of vegetation is prohibited per Section 704.06 Florida Statues" or similar language will be installed around the perimeter of the on-site mitigation areas.

4.0 BASELINE INFORMATION

The wetland areas targeted for enhancement currently consist of virtually unvegetated barren sand and riprap areas, along with areas of existing boat ramps (2,579 square feet) and docks (18,646 square feet). Occasional, vegetation consists of a mixture of salt grass (*Distichlis spicata*), torpedo grass (*Panicum repens*), and Bermuda grass (*Cynodon dactylon*). These wetland areas generally contain a subtle slope transitioning into the water and contain up to 2.5 feet water depth at the waterward limits. These areas were delineated in accordance with Chapter 62-340, F.A.C. and using a combination of MHW lines (in unvegetated areas) and wetland delineation methods (in

VS Army Corps of Explanation SAJ-2013-02362 (SP-JML) FDOT – US-331 Bridge Page #4 of 32 February 2, 2015 Mitigation Procedures/Plan/Asso. Mitigated Actions Attachment #7 vegetated areas). Additionally, a wrack line was observed along the shoreline and generally coincided with the established jurisdictional limits.

The upland buffers are currently sparsely vegetated with a mixture of bahia grass (*Paspalum notatum*) and Bermuda grass. Additionally, these areas currently contain several park facilities, such as picnic pavilions, docks, and a restroom facility.

5.0 DETERMINATION OF CREDITS

The mitigation plan calls for the enhancement of wetlands and is intended to ensure that there will be no net loss in the overall areal extent of wetlands within this watershed and compensates for any loss in wetland function associated with the unavoidable wetland impacts. The wetland mitigation plan will create a viable saltmarsh system.

Pursuant to Chapter 62-345, F.A.C., Uniform Mitigation Assessment Methodology (UMAM), datasheets were utilized to calculate the functional gain (FG) associated with the proposed mitigation activities. The wetland enhancement areas were scored for their, with and without, mitigation based on location and landscape support, water environment, and community structure. Supporting information for each of these categories can be found in part 1 and part 2 of the UMAM datasheets provided in **Appendix A**. A time lag of 1.07 (3 years) was used for the wetland enhancement areas since, as these areas already contain wetland conditions, and the additional planted vegetation will serve to supplement the existing conditions.

Results of the UMAM analysis indicated that the proposed mitigation activities would result in 0.15 FG units for the on-site wetland enhancement areas. As 0.07 FG units of credits are proposed to be purchased at the Live Oak Point Mitigation Bank, only a portion of the wetland enhancement areas are to offset the remaining 0.13 FG units that are required. The additional 0.02 FG units will be used as part of the adaptive management plan (as needed), and will not be available for credit on future projects.

6.0 MITIGATION WORK PLAN

The following outlines the general timeline and work plan associated with the 0.89-acre wetland enhancement area. The wetland enhancement area is located from approximately Station 160+50 to 177+00 on the northwest shoreline on the northern causeway and within approximately 30 feet waterward of the wetland limits. The mitigation plan is located in **Appendix B**. The following describe

SALT Corps targebrent SAJ-2013-02362 (SP-JML) FDOT – US-331 Bridge Page #5 of 32 February 2, 2015 Mitigation Procedures/Plan/Asso. Mitigated Actions Attachment #7

- Initially, silt fencing and turbidity curtains will be installed throughout the work limits.
- The existing park facility structures will be removed, demolished, and returned to existing grade.
- All nuisance and/or exotic vegetation will be eradicated via light mechanical clearing and re-grading, selective application of herbicides labeled for aquatic use, or manually removed depending upon accessibility and logistics. Nuisance and/or exotic removal will be performed under the supervision or guidance of a qualified environmental professional.
- Oyster shell hash will be placed into a fine nylon mesh bag and secured via zip ties on both ends in the upland areas. The oyster bags will then be stacked approximately 30 feet waterward of the wetland line and parallel to the shoreline to an elevation of +0.75 feet NAVD88 (just above MHW of +0.67 feet) to create a breakwater to reduce erosion along the shoreline and allow for native wetland plants to become established.
- Wetland and upland transitional plantings, such as smooth cordgrass, saltmarsh cordgrass, consisting of 2" cells or bare root plants will be installed.

The following	table	lists	the	anticipated	implementation	schedule	of	the	proposed
mitigation activ	vities:								

Anticipated Date	Activity					
0	Permit Issuance					
0 - 75 days	Obtain local land disturbance permits, and					
	Mobilization of contractor and equipment, and					
	Install all silt fencing and floating turbidity barriers					
75 - 100	Clear, excavate, and grade wetland enhancement areas					
days	Flag any trees and shrubs to be saved					
100 - 110	Generate and review wetland mitigation as-built survey and					
days	submit to FDEP and USACE					
110 - 155	Perform pre-planting maintenance in wetland enhancement areas					
	Plant all wetland enhancement and upland enhancement areas.					
	Conduct and submit Mitigation Completion Report / Time Zero Report to USACE					
	Provide watering events for the plantings (as-needed)					
	5-year monitoring and maintenance begins					

7.0 MAINTENACNE PLAN

The wetland enhancement areas will be maintained via herbicides on a quarterly schedule for the first year, then semi-annually until released from monitoring and reporting requirements. Species to be targeted include *Phragmites*, and other nuisance and exotic species.

Following the completion of the grading activities and verification that the mitigation area has been constructed in accordance with the mitigation plans, a pre-planting maintenance event will be conducted to clear undesirable vegetation from the planting areas. The proposed planting plan will be installed within one week following the preplanting maintenance event. Following installation of the planting material the plants will be thoroughly watered and followed with additional watering events, as necessary. The mitigation area will be maintained by a Florida licensed Natural Areas herbicide applicator.

8.0 PERFORMANCE STANDARDS

For all of the mitigation areas the following performance standards will be achieved to be considered a successful mitigation project:

- 1. The mitigation areas can be reasonably expected to develop into estuarine emergent wetlands (EEM), as determined by the United States Fish and Wildlife Service Classification of Wetlands and Deepwater Habitats of the United States.
- 2. Topography, water depth, and water level fluctuations in the mitigation areas are characteristic of the wetland/surface water type specified in criterion "1".
- 3. The wetland mitigation areas can be determined to be a wetland or other surface water according to Chapter 62-340, Florida Administrative Code.
- 4. At least 80 percent cover by appropriate wetland species (i.e., FAC or wetter)
- 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 http://www.fleppc.org, and the nuisance species, common reed (*Phragmites australis*), dog fennel (*Eupatorium capillifolium*), and cattail (*Typha* spp.) shall not exceed 5 percent.

9.0 MONITORING REQUIREMENTS

Upon determination that the mitigation area has been constructed and planted correctly, a monitoring event will be conducted within 60 days to fulfill the Wetland Mitigation Completion Report and Time Zero Monitoring Report requirements per the USACE's permit conditions, respectively. The formal mitigation program will be initiated upon the agency's review and approval of the Wetland Mitigation Completion/ Time Zero Monitoring report.

Monitoring methods will document that the target community will resemble representative communities with respect to plant community structure and species composition. Additionally, general notes will be recorded on the average water depths and soil moisture conditions. Several permanent fixed photostations will be installed throughout the mitigation area and additional representative photographs will also be collected and presented in the all subsequent monitoring reports. Qualitative estimations of the following parameters will also be collected along each transect:

- species survivorship estimations;
- herbaceous and shrub layer composition and percent cover of planted and recruited native vegetative species;
- herbaceous and shrub layer composition composition and percent cover of recruited nuisance and exotic vegetative species; and
- incidental wildlife observations

The wetland enhancement area will be semi-annually monitored for five years, with annual monitoring reports to be submitted to the USACE. In general, the

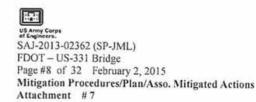
semi-annual monitoring events will be conducted in the spring and fall of each year. If the site has not reached its success criteria at the conclusion of the 5 year

monitoring period, the monitoring and reporting interval will be conducted annually in the fall of each year until released from future monitoring and reporting requirements.

Composition of desirable wetland and nuisance and/or exotic vegetation will be qualitatively estimated within the limits of the mitigation area and compared with the success criteria. Additionally, field observations of wildlife utilization, hydrology, and issues with erosion or oyster bag structural integrity will be reported in each annual monitoring report.

Utilizing the monitoring protocol described above, an annual monitoring report will be submitted to the USACE. The reports will include:

- · Maps showing the transect and photostation locations;
- · Summary of the results compared to permit success criteria;
- · Table comparing various success criteria parameters to prior sampling results;
- · Evaluation of the success of the maintenance efforts to date; and
- Recommendations for any remedial actions that is necessary to ensure the success of the mitigation areas.



10.0 LONG TERM MANAGEMENT PLAN

Once the saltmarsh has reached its success criteria and become established there is minimal long-term management required. Long term management may consist of annual inspections to ensure that erosion is minimal and/or the oyster bags are structurally intact.

11.0 ADAPTIVE MANAGEMENT PLAN

The results of the quantitative and qualitative observations obtained during the required monitoring events associated with the mitigation area will be carefully considered to implement the necessary adaptive management strategies to ensure the site's success. The information used to adapt management practices for the mitigation may include results of formal research, monitoring results, or general observations of the ecologists reviewing the site. In all unexpected scenarios, the best available science and judgment will be used to come up with innovative and permitable solutions.

In general, if wetland enhancement areas fail to meet its performance standards, alternative areas along the causeway could be identified for enhancement via the eradication of nuisance species, restoration/enhancement of shoreline, or creation of wetlands from upland in areas where there are no utility conflicts. Additionally, the mitigation plan creates an excess of 0.02 FG units of mitigation lift above and beyond the required 0.20 FL units required to adequately offset the wetland impacts associated with this project. These excess credits could be used as a contingency to offset up to 15 percent of any failed onsite mitigation areas.

12.0 FINANCIAL ASSURANCES

The overall construction cost is less than \$25,000.00 therefore no financial assurance is required. Additionally, FDOT is a state-funded agency that will maintain its commitments and appropriately fund the required mitigation needs.

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Tables

- On-site Wetland Mitigation Summary Off-site Wetland Mitigation Summary Table 1.
- Table 2.

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TABLE 1 - PROJECT ON-SITE MITIGATION SUMMARY

		TARGET	CREATION	RESTORATION	ENHANCEMENT	WETLAND PRESERVE	UPLAND PRESERVE	OTHER	
	TYPE	AREA (acres)	AREA (acres)	AREA (acres)	AREA (acres)	AREA (acres)	AREA (acres)		
WEA 1	WEA 1	642			0.89		0.19		
PROJECT					0.89		0.19		

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> COMMENTS: 0.89 acres of wetland enhancement via breakwaters, nuisance species removal, and supplemental wetland planting. 0.19 acres of upland buffer enhancement via nuisance species removal and upland plantings.

Codes (multiple entries per cell not allowed):

• Target Type or Type=target or existing habitat type from an established wetland classification system or land use classification for non-wetland mitigation

Form #62-330.060(1) - Joint Application for Environmental Resource Individual Permit/ Authorization to Use State-Owned Submerged Lands/ Federal Dredge and Fill Permit Incorporated by reference in subsection 62-330.060(1), F.A.C. (10-1-2013)

TABLE 2 - PROJECT OFF-SITE MITIGATION SUMMARY

MITIGATION	UMAM ASSESSMENT	TARGET	CREATION	RESTORATION	ENHANCEMENT	WETLAND PRESERVE	UPLAND PRESERVE	OTHER
ID	AREA NAME(S)	TYPE	AREA (acres)	AREA (acres)	AREA (acres)	AREA (acres)	AREA (acres)	AREA (acres)
Live Oak Point	n/a	642	0.07					
PROJECT	2-20 C	Alter	0.07					

COMMENTS: Acreage unknown, 0.07 FG units/credits will be purchased from this bank.

Codes (multiple entries per cell not allowed):

• Target Type or Type=target or existing habitat type from an established wetland classification system or land use classification for non-wetland mitigation

Form #62-330.060(1) - Joint Application for Environmental Resource Individual Permit/ Authorization to Use State-Owned Submerged Lands/ Federal Dredge and Fill Permit Incorporated by reference in subsection 62-330.060(1), F.A.C. (10-1-2013)

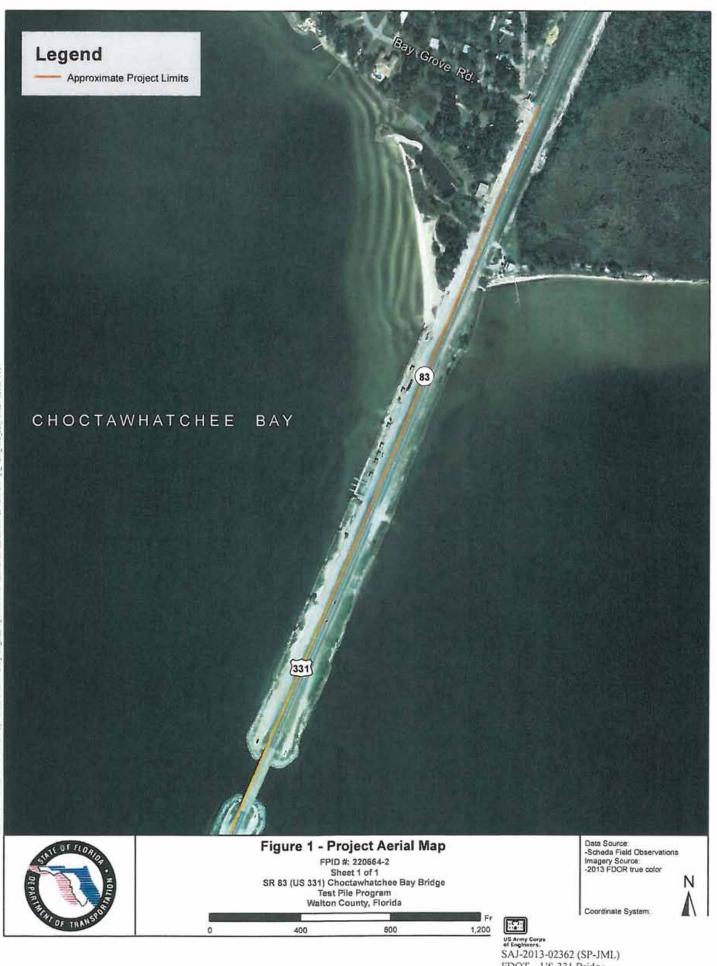
us.AmpGore SAJ-2013-02362 (SP-JML) FDOT – US-331 Bridge Page #12 of 32 February 2, 2015 Mitigation Procedures/Plan/Asso. Mitigated Action: Attachment #7

Figures

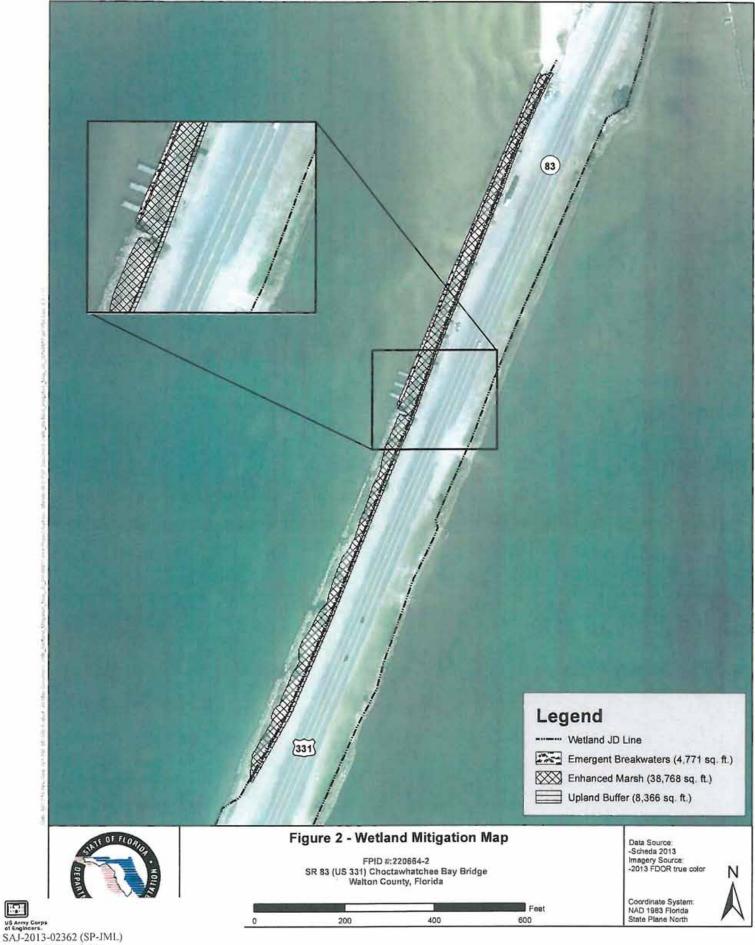
Figure 1. Figure 2. Project Aerial Map Conceptual Wetland Mitigation Plan



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Appendices

Appendix A. UMAM forms Appendix B. Wetland Mitigation Plans

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APPENDIX A

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PART I – Qualitative Description (See Section 62-345.400, F.A.C.)

Site/Project Name		Application Numb	er	Assessment Area Na	Assessment Area Name or Number			
SR83 (US 331) Choctawha	tchee Bay Bridge			Wetland Enhancement Area 1				
FLUCCs code	Further classific	ication (optional)		mpact or Mitigation Site?	ite? Assessment Area Size			
642		Saltmarsh (E2EM1)		Mitigation	0.89			
asin/Watershed Name/Number	Affected Waterbody (C	(ass)	Special Classification	ication (i.e.OFW, AP, other local/state/federal designation of				
Choctawhatchee Bay	ll Prohi	bited		n/a				
Geographic relationship to and hy	drologic connection wit	th wetlands, other	surface water, uplan	ds				
Not directly connected with any off Mexico via the East Pass to the wi Choctawhatchee River (approxima two other waterways at either end Panama City through a dredged ni Choctawhatchee Bay Watershed (systems within the project area are maintained (via mowing) ROW sho Assessment area description	est of Destin (approxin ately 2.2 nautical miles of the bay, the Intraco avigation channel and USGS Cataloging Uni e located within Outsta	nately 20 nautical r to the east) and fr astal Waterway at to Santa Rosa Sou t, 03140102), and inding Florida Wate	niles to the west) an om direct runoff into the east end (below und on the western e located entirely in C	d primarily receives fresh the Bay. Choctawhatche the river delta) which co and. This project is locate lass II Prohibited waters.	water inputs from the ee Bay is connected to nnects with West Bay in ed within the In addition, none of the			
he assessment area is located fr nd from the wetland line to appro mounts of salt grass, torpedo gra ortion of this assessment area. Th	ximately 28 feet waten ss, and Bermuda gras	ward. Currently con s. Currently, a con	nsists of predominar crete boat ramp and	ntly (90%) bare sand and associated finger board	open water, with minor			
ignificant nearby features			Uniqueness (considering the relative rarity in relation to the regional landscape.)					
Choctawhatchee Bay, Choctawha	itchee River, and Intra	common						
Functions		1 1 1	Mitigation for previo	ous permit/other historic				
			inigeneriter previ					
shoreline protection and stabiliz	ation, water quality/nu	trient treatment		n/a				
Anticipated Wildlife Utilization Bas hat are representative of the asse be found)				ion by Listed Species (Li , SSC), type of use, and				
wading	bird species		occasional low quality foraging habitat for various wading bird species (SSC) and wood stork (E)					
Observed Evidence of Wildlife Util	ization (List species di	rectly observed, or	other signs such as	tracks, droppings, casin	gs, nests, etc.):			
		None	C.					
Additional relevant factors:								
None								
Assessment conducted by:			Assessment date(s	3):				
			10/29/2013					
Assessment conducted by: Scheda Ecological Associates, Inc Form 62-345.900(1), F.A.C. [effe		1		US AU SAJ	-2013-02362 (SP-JN DT – US-331 Bridge			

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PART II – Quantification of Assessment Area (impact or mitigation) (See Sections 62-345.500 and .600, F.A.C.)

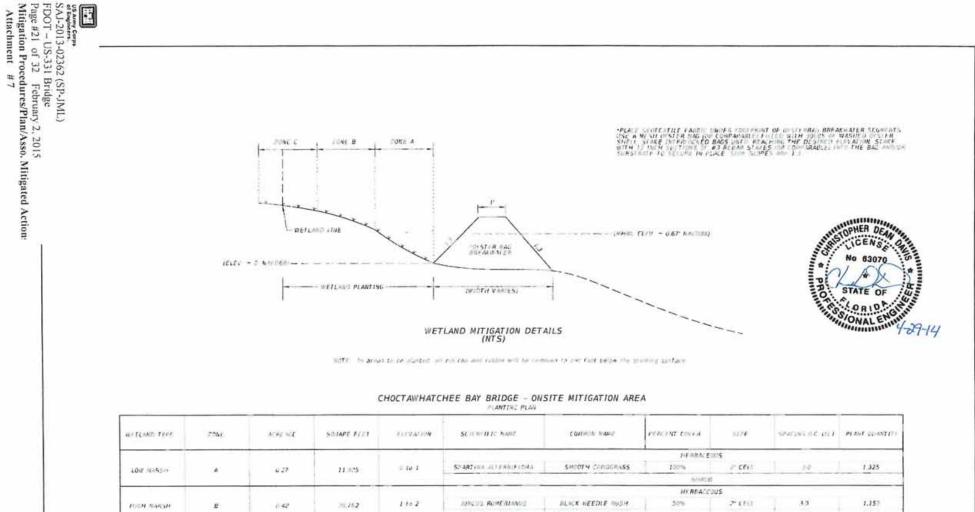
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each on what or the surface		Scheda Ecological Ass	ociates	10/29/2013		
on what fit fit wetlan	Optimal (10)	Moderate(7)	Mir	nimal (4)	Not Present (0)	
	ition is optimal and fully supports and/surface water functions	Condition is less than optimal, but sufficient to maintain most wetland/surface waterfunctions	de la sector de la construcción de		Condition is insufficient provide wetland/surface v functions	
which is miles to nautical ROW sh Wildlife a boation and habitats	tidally influenced by the the west) and primarily miles to the east) and f houlders and paved 2-la access and suitable hat	e Gulf of Mexico via the Ex receives freshwater input from direct runoff into the une undivided roadway, wi bitats is severely limited b ly nulsance or exotic vege	ast Pass to t is from the C Bay. Adjacen hich have sig y the roadwa	he west of Destin hoctawhatchee F ht uplands consisi prificant adverse i ay. Wetland asset	t of maintained (via mowing impacts on fish and wildlife. ssment area and adjacent	
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r Environment With Mitt plands) were dist	stinct. Community composi currents, and light pene a some changes in spec itigation: Water quality ment area, to reduce sho	ion was mostly inappropri ition was indicative of mo- tration are somewhat suff cies and densities.	ate with a m derate water ficient for the the creation a. Presence	inimal amount of quality degradati community being of an oyster bag and usage by ani	g evaluated but are expecte breakwater waterward of th mal species with specific	
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APPENDIX B

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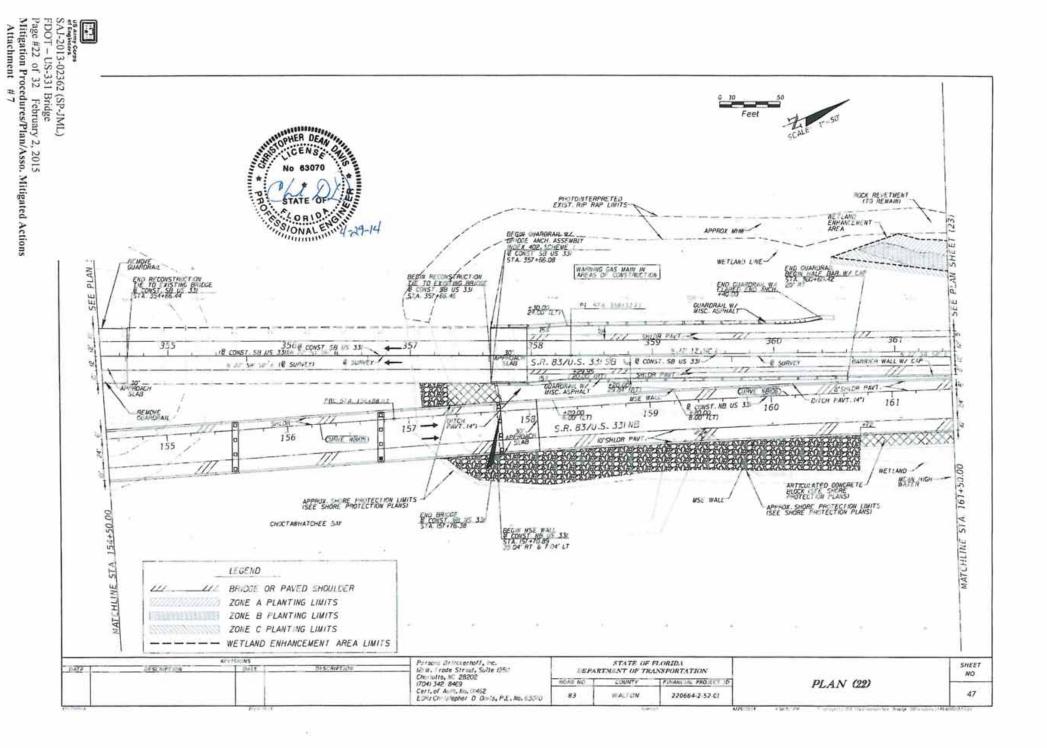


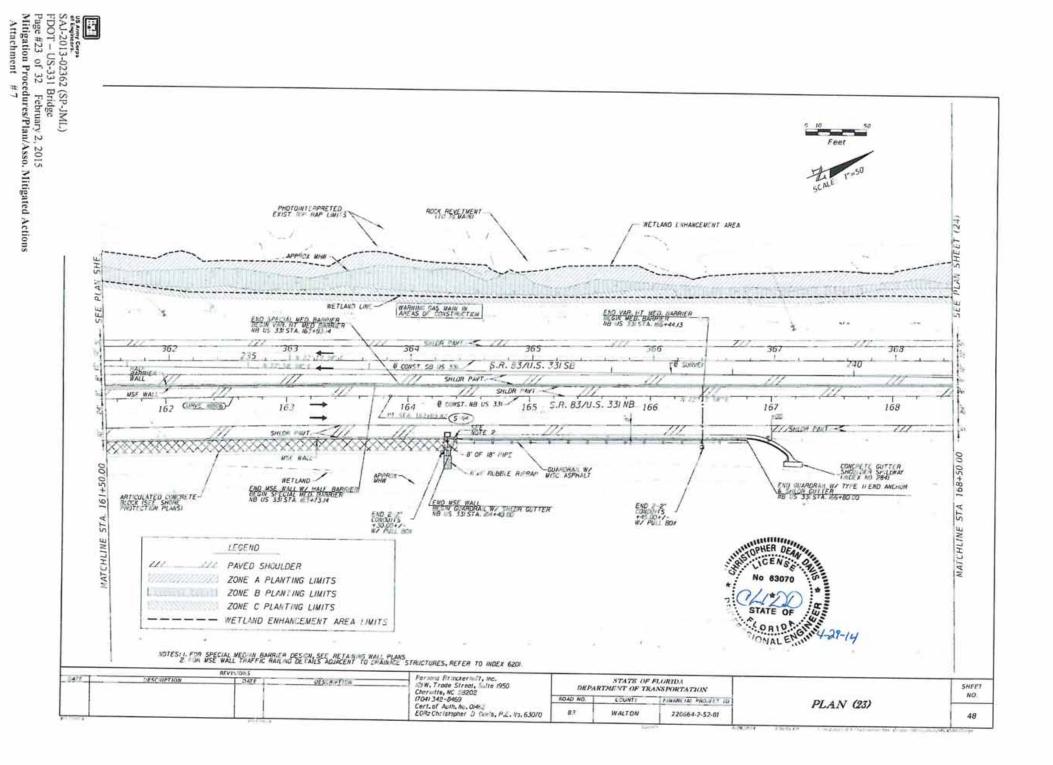


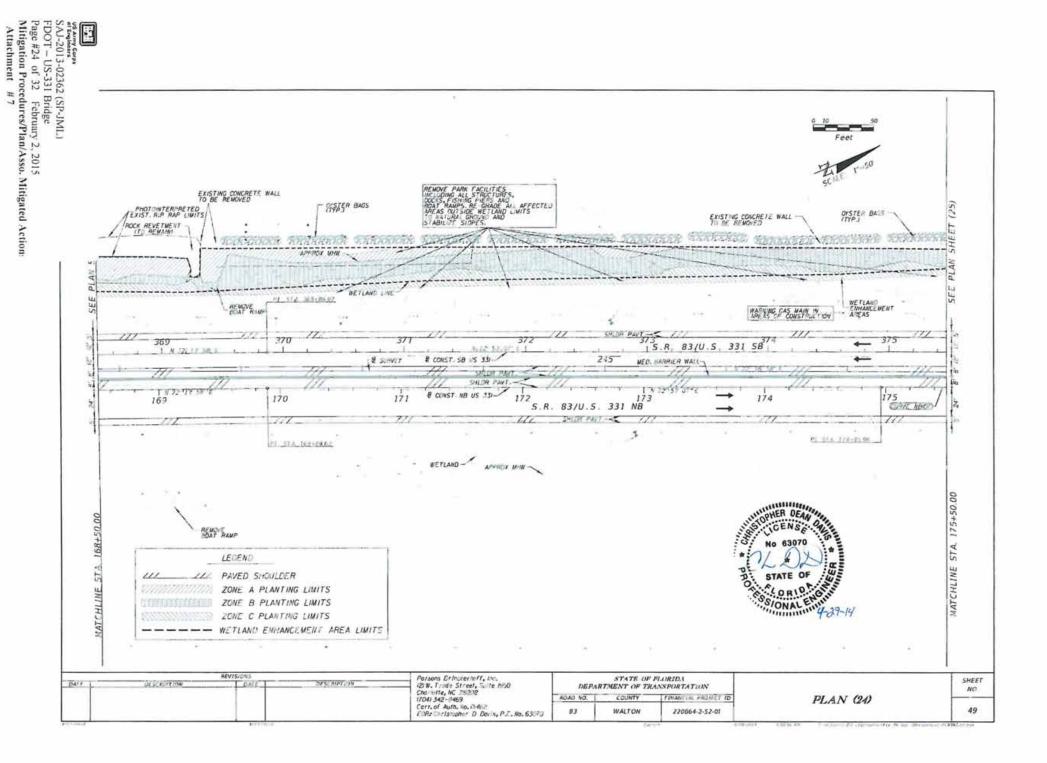
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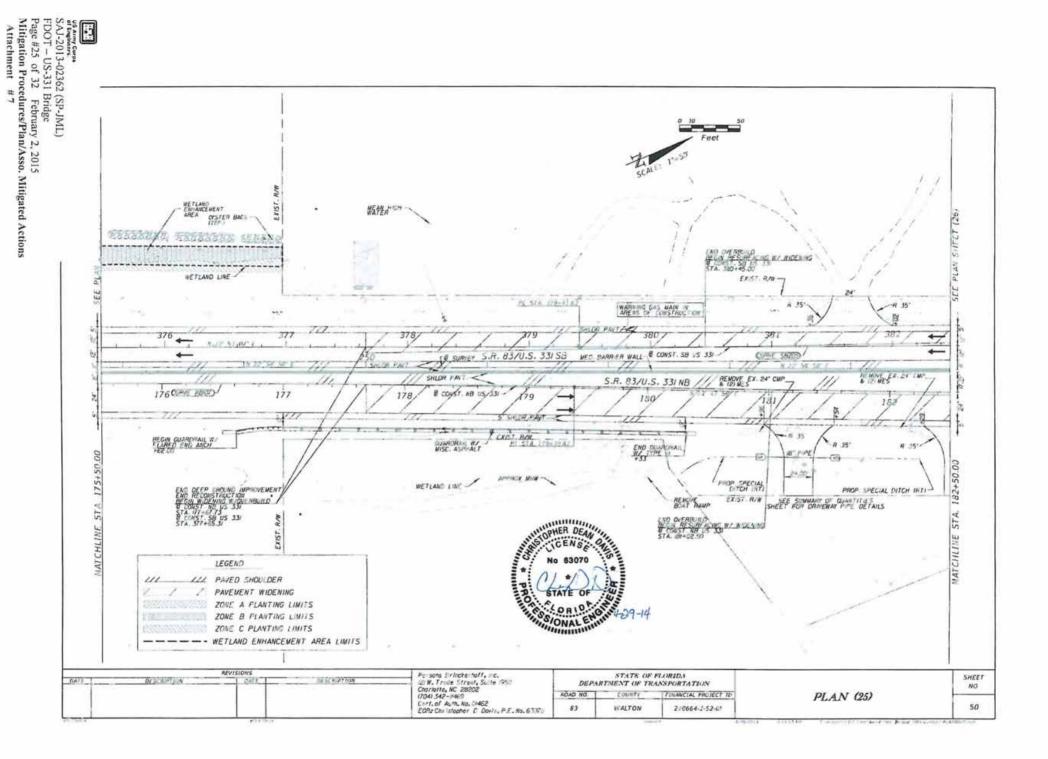
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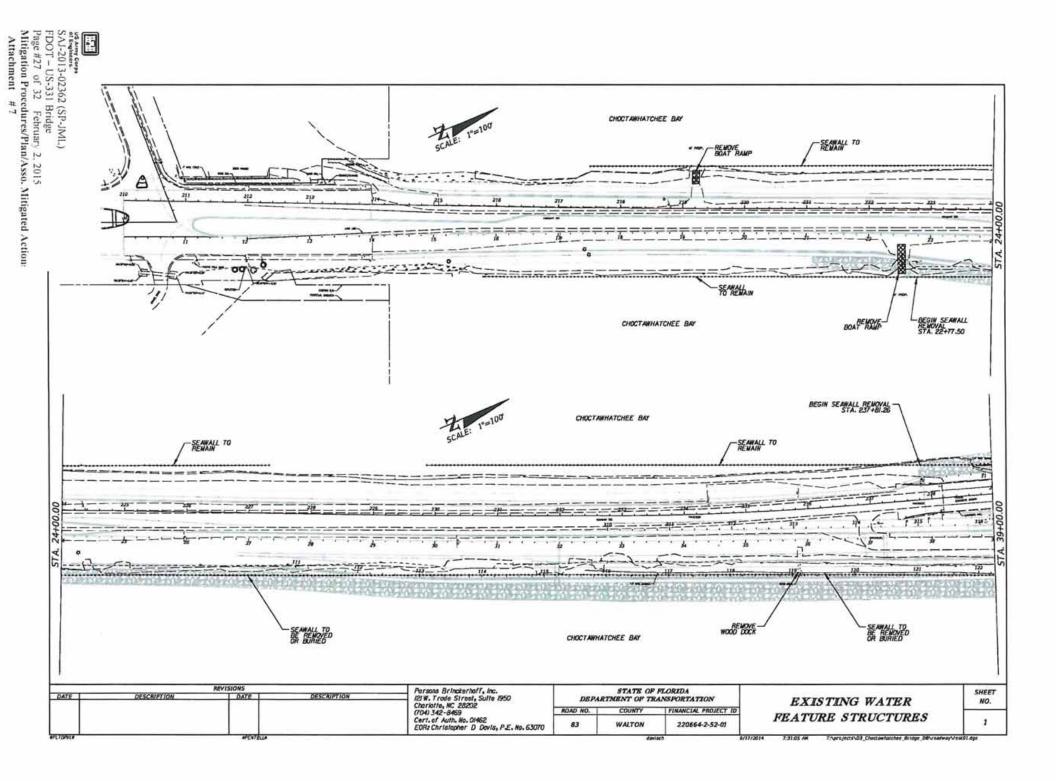


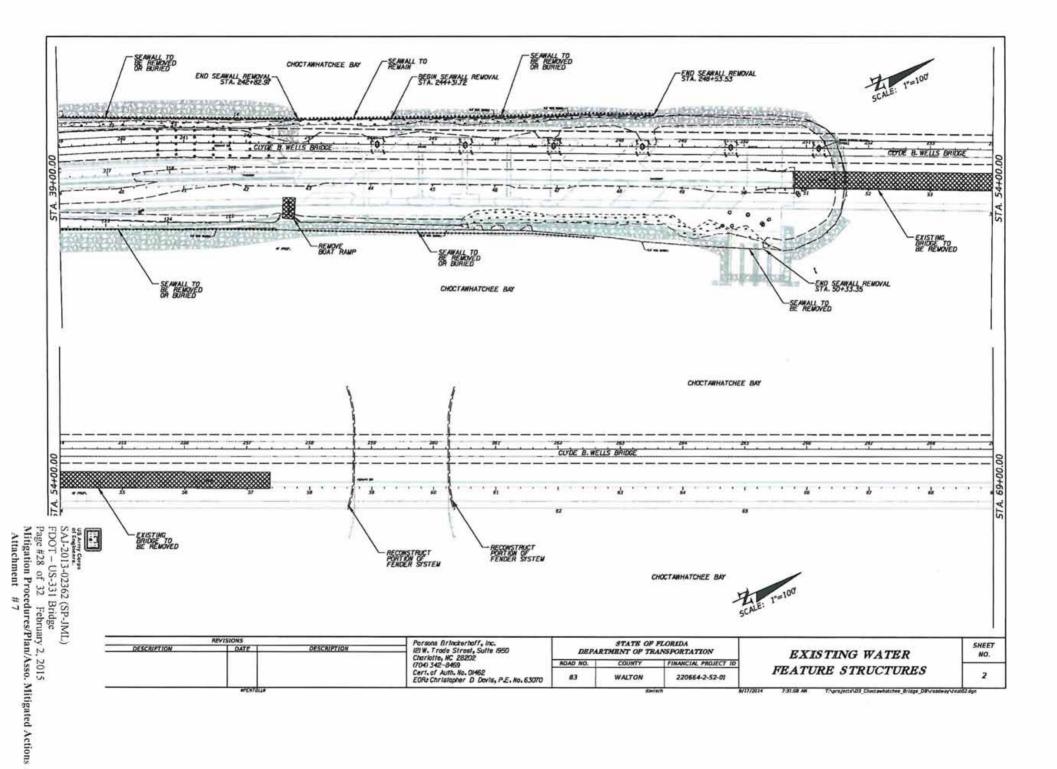


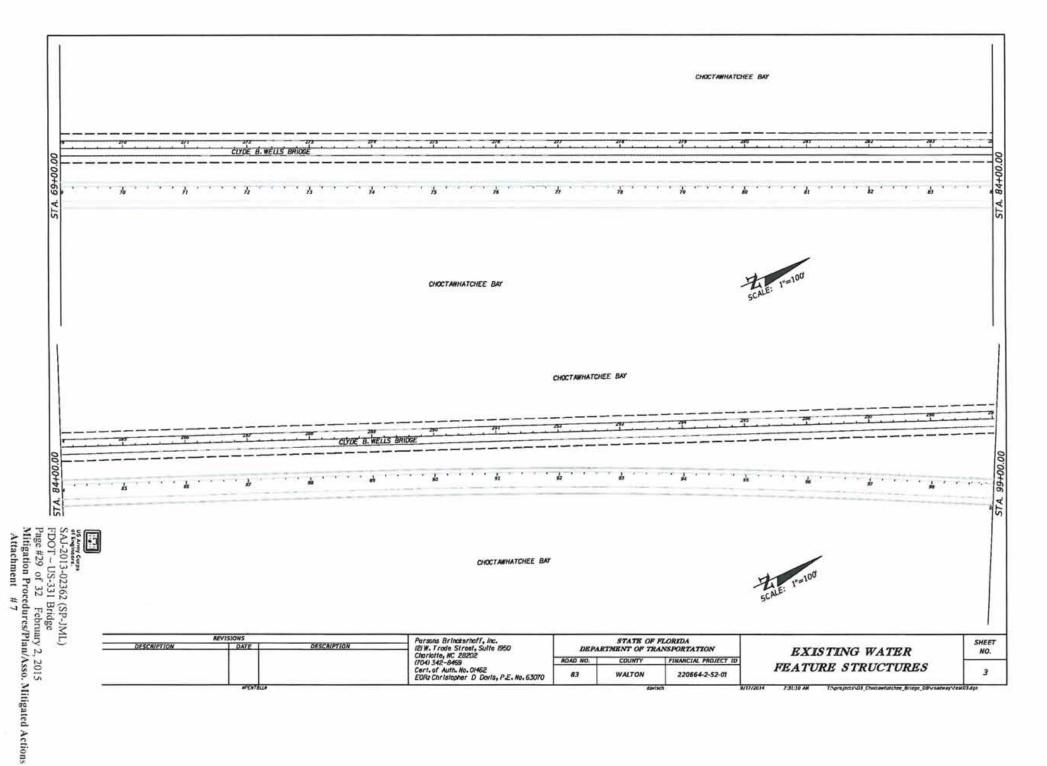


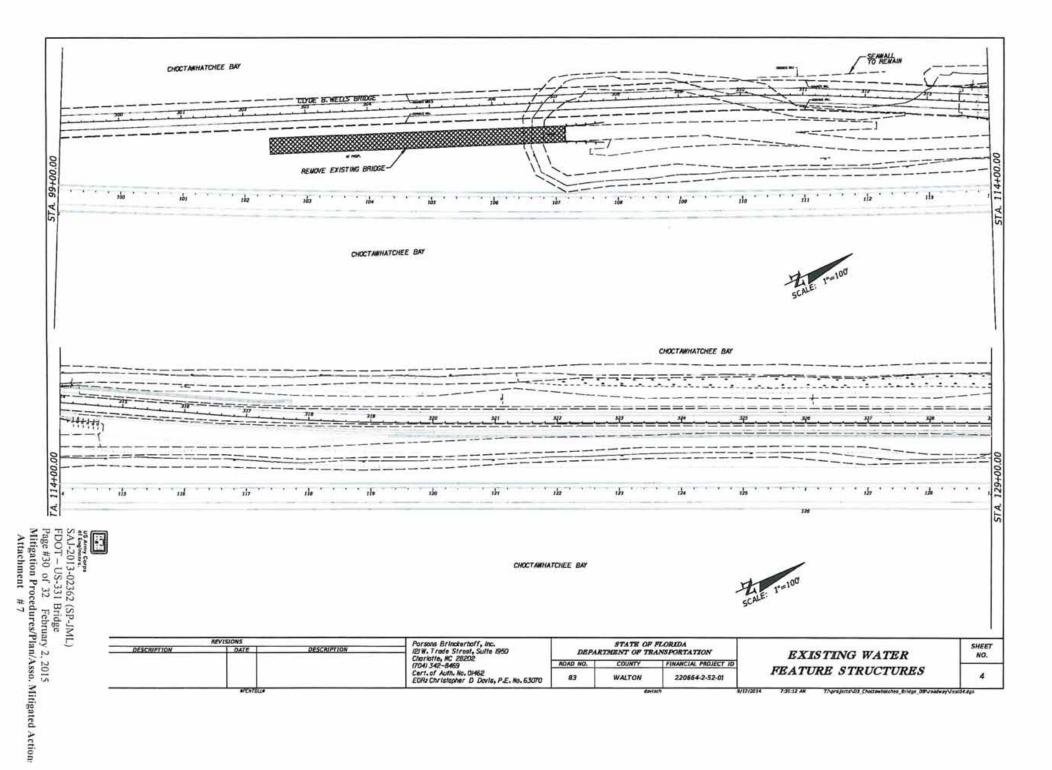
Attachment 6 – In-water Structures Proposed for Removal Drawing

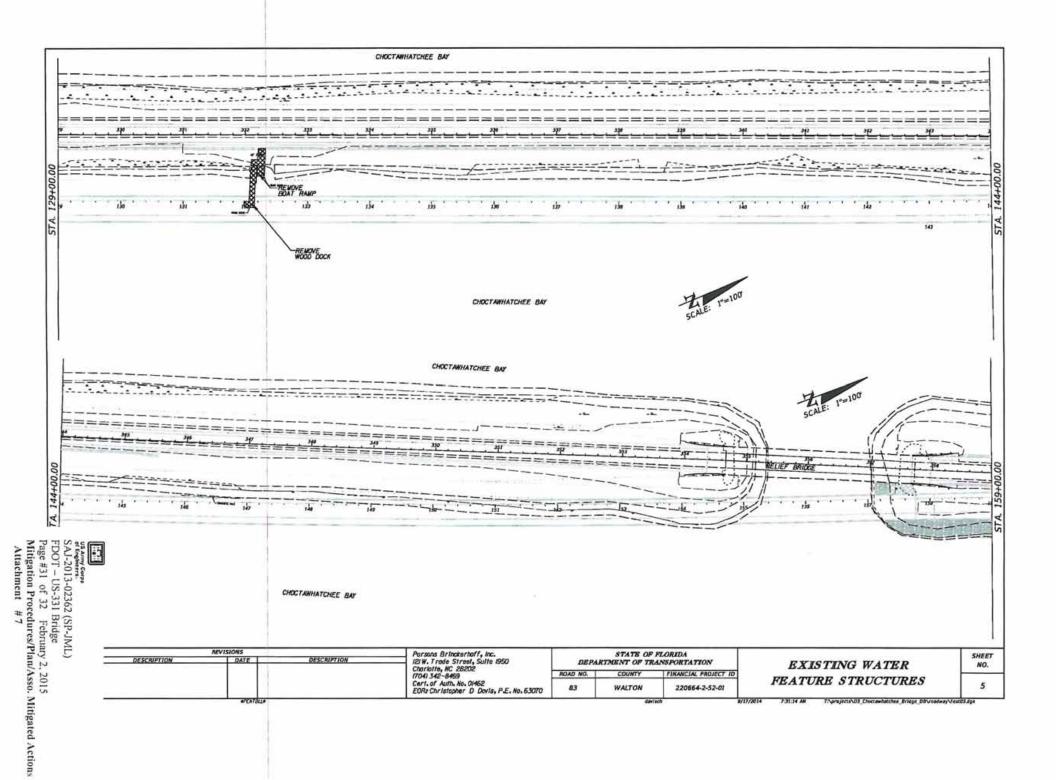
SAJ-2013-02362 (SP-JML) FDOT – US-331 Bridge Page #26 of 32 February 2, 2015 Mitigation Procedures/Plan/Asso. Mitigated Actions Attachment #7

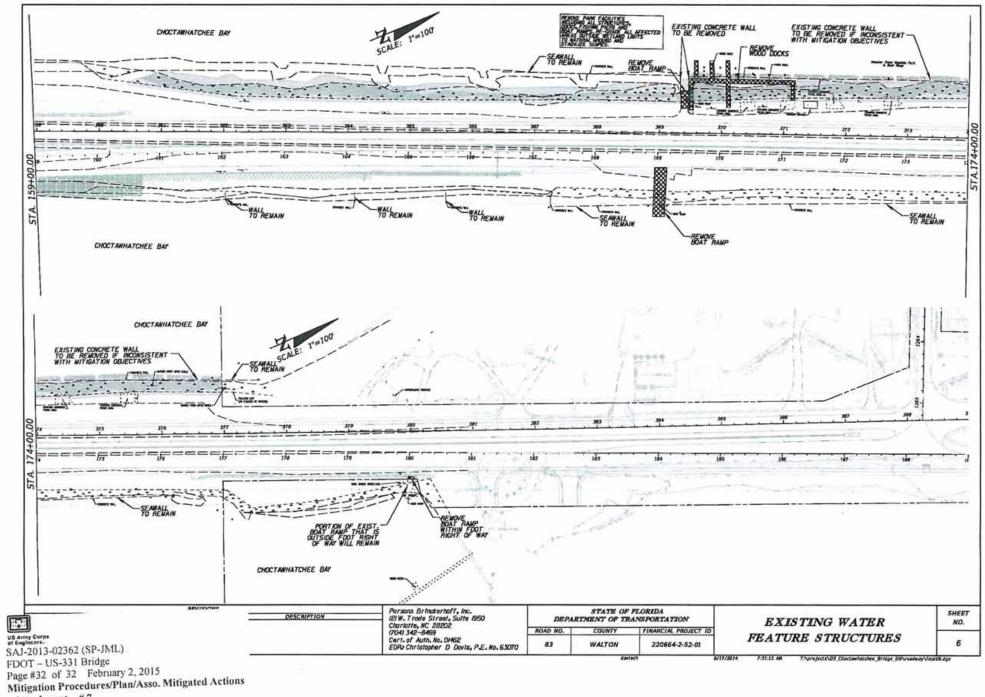












Attachment #7