



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
P. O. BOX 4970
JACKSONVILLE, FLORIDA 32232-0019

REPLY TO
ATTENTION OF

March 10, 2010

Jacksonville Permits Section
SAJ-2008-04457 (NW-RLT)

FDOT-District 3
Attn: Ms. Joy Giddens
1074 Highway 90
Chipley, Florida 32428

Dear Ms. Giddens:

Your application for a Department of the Army permit received on October 17, 2008 and updated plans received on November 6, 2009, has been assigned number SAJ-2008-04457 (NW-RLT). A review of the information and drawings provided shows the work includes the milling and resurfacing of 25.6 miles of SR 65 in Liberty County. The project will include widening the road from 10-foot travel lanes to 12-foot (no paved shoulders) for a 9 mile segment. There are 54 culvert crossing locations with a total of 85 pipes (some locations have multiple pipe crossings). Of these 54 locations, 25 pipes will be replaced, 17 will be extended and 12 will remain. The project will also include the addition of 45 mitered end sections for side drain pipes. Minor permanent wetland impacts are proposed and associated with 36 different culvert and structure improvements, many less than 0.01 acre in size. Temporary impacts are estimated at 4.18 acres and permanent impacts are expected to be 0.59 acres. The project begins at the Liberty County/Franklin County line and extends approximately 25.6 miles north to 3.1 miles north of the Cypress Creek Bridge. Much of the project is located within the Apalachicola National Forest. The project is located near Latitude 30.143, Longitude 84.977, Liberty County, Florida.

Your project, as depicted on the received drawings, is authorized by Nationwide Permit (NWP) Number 3 and 14. Impacts resulting from the road widening meets the terms and conditions for authorization under Nationwide Permit Number 14, as published in the 12 March 2007, issue of the Federal Register (72 FR 11092). Impacts resulting from the culvert extension associated with the milling and resurfacing meets the terms and conditions for authorization under Nationwide Permit Number 3,

as published in the 12 March 2007, issue of the Federal Register (72 FR 11092). In addition, project specific conditions have been enclosed. This verification is valid until March 10, 2012. Please access the U.S. Army Corps of Engineers' (Corps) Jacksonville District's Regulatory webpage to access web links to view the Final Nationwide Permits, Federal Register Vol. 72, dated March 12, 2007, the Corrections to the Final Nationwide Permits, Federal Register 72, May 8, 2007, and the List of Regional Conditions. The website address is as follows:

<http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>.

Please be aware this web address is case sensitive and should be entered as it appears above. Once there you will need to click on "Nationwide Permits." These files contain the description of the Nationwide Permit authorization, the Nationwide Permit general conditions, and the regional conditions, which apply specifically to this verification for NWP 3 and 14. Additionally, enclosed is a list of the six General Conditions, which apply to all Department of the Army authorizations. You must comply with all of the special and general conditions and any project specific condition of this authorization or you may be subject to enforcement action. In the event you have not completed construction of your project within the specified time limit, a separate application or re-verification may be required.

The following special conditions are included with this verification:

1. Within 60 days of completion of the work authorized, the attached "Self-Certification Statement of Compliance" must be completed and submitted to the U.S. Army Corps of Engineers. Mail the completed form to the Regulatory Division, Enforcement Section, Post Office Box 4970, Jacksonville, Florida 32232-0019.

2. The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the

navigable waters, the Permittee will be required, upon due notice from the U.S. Army Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

3. No structure or work shall adversely affect or disturb properties listed in the National Register of Historic Places or those eligible for inclusion in the National Register. Prior to the start of work, the Permittee or other party on the Permittee's behalf, shall conduct a search in the National Register Information System (NRIS). Information can be found at; <http://www.cr.nps.gov/nr/research/nris.htm>. Information on properties eligible for inclusion in the National Register can be identified by contacting the Florida Master File Office by email at fmsfile@dos.state.fl.us or by telephone at 850-245-6440.

If unexpected cultural resources are encountered at any time within the project area that was not the subject of a previous cultural resource assessment survey, work should cease in the immediate vicinity of such discoveries. The permittee, or other party, should notify the SHPO immediately, as well as the appropriate Army Corps of Engineers office. After such notifications, project activities should not resume without verbal and/or written authorization from the SHPO.

If unmarked human remains are encountered, all work shall stop immediately, and the proper authorities notified in accordance with Section 872.05, Florida Statutes, unless on Federal lands. After such notifications, project activities on non-Federal lands shall not resume without verbal and/or written authorization from the Florida State Archaeologist for finds under his or her jurisdiction.

4. Within 1 year from the date of issuance of this permit instrument the permittee agrees to replace 0.35 functional units of loss which will result from impacts to 0.59 acres of jurisdictional wetlands. Wetland impacts for this project will be mitigated through the Northwest Florida Umbrella, Watershed-Based, Regional Mitigation Plan (PLAN), as defined in the

agreement between the Northwest Florida Water Management District (NFWFMD) and the U.S. Army Corps of Engineers (Corps), Jacksonville District, July 31, 2006. The NFWFMD will deduct 0.35 credits from the Whiskey George/Sumatra (UWRMP 5.5.9.) mitigation ledger.

5. The Permittee shall comply with the U.S. Fish and Wildlife's concurrence and commitment letter, dated January 27, 2010 and attached to this permit.

This letter of authorization does not obviate the necessity to obtain any other Federal, State, or local permits, which may be required. In Florida, projects qualifying for this NWP must be authorized under Part IV of Chapter 373 by the Department of Environmental Protection, a water management district under §. 373.069, F.S., or a local government with delegated authority under §. 373.441, F.S., and receive Water Quality Certification (WQC) and Coastal Zone Consistency Concurrence (CZCC) (or a waiver), as well as any authorizations required by the State for the use of sovereign submerged lands. You should check State-permitting requirements with the Florida Department of Environmental Protection or the appropriate water management district.

This letter does not give absolute Federal authority to perform the work as specified on your application. The proposed work may be subject to local building restrictions mandated by the National Flood Insurance Program. You should contact your local office that issues building permits to determine if your site is located in a flood-prone area, and if you must comply with the local building requirements mandated by the National Flood Insurance Program.

If you are unable to access the internet or require a hardcopy of any of the conditions, limitations, or expiration date for the above referenced NWP, please contact Mr. Randy Turner by telephone at 904-232-1670.

Thank you for your cooperation with our permit program. The Corps Jacksonville District Regulatory Division is committed to improving service to our customers. We strive to perform our duty in a friendly and timely manner while working to preserve

our environment. We invite you to take a few minutes to visit the following link and complete our automated Customer Service Survey: <http://per2.nwp.usace.army.mil/survey.html>. Your input is appreciated - favorable or otherwise.

Sincerely,

A handwritten signature in black ink, appearing to read "Randy L. Turner". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Randy L. Turner
Project Manager

Enclosures

Copy Furnished:

Entrix, Inc., Attn: Mr. Andrew Barth, 2420 W. Lakeshore Drive,
Suite 100, Tallahassee, Florida 32312

bcc:
CESAJ-RD-PE

GENERAL CONDITIONS
33 CFR PART 320-330

PUBLISHED FEDERAL REGISTER DATED 13 NOVEMBER 1986

1. The time limit for completing the work authorized ends on date identified in the letter. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow a representative from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

SELF-CERTIFICATION STATEMENT OF COMPLIANCE

Permit Number: NW-3 and 14
Application Number: SAJ-2008-04457

Permittee's Name & Address (please print or type): _____

Telephone Number: _____

Location of the Work: _____

Date Work Started: _____ Date Work Completed: _____

Description of the Work (e.g., bank stabilization, residential or commercial filling, docks, dredging, etc.): _____

Acreage or Square Feet of Impacts to Waters of the United States:

Describe Mitigation completed (if applicable): _____

Describe any Deviations from Permit (attach drawing(s) depicting the deviations): _____

I certify that all work, and mitigation (if applicable) was done in accordance with the limitations and conditions as described in the permit. Any deviations as described above are depicted on the attached drawing(s).

Signature of Permittee

Date

DEPARTMENT OF THE ARMY PERMIT TRANSFER REQUEST

PERMIT NUMBER: SAJ-2008-04457(NW-RLT)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. Although the construction period for works authorized by Department of the Army permits is finite, the permit itself, with its limitations, does not expire.

To validate the transfer of this permit and the associated responsibilities associated with compliance with its terms and conditions, have the transferee sign and date below and mail to the U.S. Army Corps of Engineers, Enforcement Section, Post Office Box 4970, Jacksonville, FL 32232-0019.

(TRANSFEREE-SIGNATURE)

(SUBDIVISION)

(DATE)

(LOT)

(BLOCK)

(NAME-PRINTED)

(STREET ADDRESS)

(MAILING ADDRESS)

(CITY, STATE, ZIP CODE)



IN REPLY REFER TO:

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Field Office
1601 Balboa Avenue
Panama City, FL 32405-3721
Tel: (850) 769-0552
Fax: (850) 763-2177

January 27, 2010

RECEIVED

FEB 02 2010

JACKSONVILLE DISTRICT
USACE

Ms. Laura Haddock
District Environmental Supervisor
District 3
Florida Department of Transportation
Chipley, Florida 32428-0607

Re: Florida Department of Transportation
SR 65 Widen, Repave, and Replace Culverts
FWS # 2008-I-0408
FPID # 416945-1
Apalachicola National Forest
Liberty County, Florida

Dear Ms. Haddock:

Thank you for providing the final Biological Evaluation (BE) for the above-referenced project for review by the Fish and Wildlife Service (Service). The Service received this document on January 22, 2010. This response is provided in accordance with provisions of Section 7 of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

The Florida Department of Transportation (FDOT) proposes to resurface SR 65 from the Franklin County line to Cypress Branch within Apalachicola National Forest (ANF) for a distance of 25.6 miles in Liberty County, Florida. One inch of pavement will be milled with the addition of 3.75 inches of new pavement. An addition of 2.75 inches of soil and sod will be required adjacent to the edge-of-pavement (EOP) to prevent a drop off. Travel lanes will be widened to 12 feet along the northern nine miles. Eighty culverts have been identified for replacement, lining and/or extension. Of these, 38 culvert replacement locations will use a jack-and-bore installation method to eliminate the need for temporary diversion roads and reduce temporary wetland impacts. Two large northern culvert locations will require temporary diversion lanes.

The FDOT will implement avoidance and minimization measures as given in the BE to reduce impacts of the proposed work on threatened and endangered species. In addition, the FDOT has made the enclosed commitment to further reduce the effects of the action. Based on these

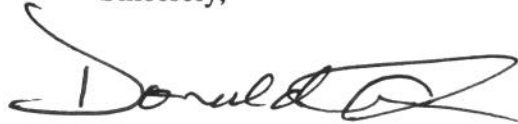
Ms. Laura Haddock

2

commitments, the Service concurs with your determination that the proposed work is not likely to adversely affect resources protected under the Act.

We appreciate the opportunity to provide comments. Please contact Ms. Mary Mittiga (ext. 236) of this office if you have any questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Don Imm", with a stylized flourish at the end.

Don Imm, PhD
Assistant Field Supervisor

Enclosure:

FDOT SR 65 Proposed Commitments dated January 27, 2010

cc:

Army Corps of Engineers, Jacksonville, FL (Randy Turner)

FDEP, Tallahassee, FL (Tom Franklin)

U.S. Forest Service, Bristol, FL (Marcus Beard)

U.S. Forest Service, Tallahassee, FL (Eric Johnson)

V. PROPOSED BEST MANAGEMENT/CONSERVATION REQUIREMENTS/COMMITMENTS

1. With respect to the protection of the red-cockaded woodpecker (RCW) within the project corridor, special precautions will be taken. To avoid a noise impact, there will be no construction during the breeding season (April 1 – July 31) within 200 ft of an active unfledged nest tree as confirmed by current U.S. Forest Service-mapped occurrence data on construction plan sheet notes. U.S. Forest Service (USFS) monitors will assist in confirmation of current status of nest trees upon contractor request. No staging or storage areas will be located within the 500-ft boundary of a documented RCW cavity tree (this will be facilitated by identification of approved storage/staging areas.) There will be absolutely no destruction/impact to any RCW trees (including cavity and start trees, both active and inactive).
2. All construction-related disturbance will be restricted to the limits of construction (LOC) as noted below or approved staging/storage areas:
 - The existing 6-ft shoulder area adjacent to the edge of pavement in the southern limits of the project (delineated with survey flags placed at 100-ft intervals for the resurfacing) from Sta. 00+00 to Sta. 877+06.08;
 - A 4-ft primary work area to the extent practical, near Harper's beauty occurrences (STA. 47+62 to STA. 550), with the removal of existing sod/soil restricted to 2.5 ft from the edge of pavement in this area; removal of existing sod/soil in this area will occur using machinery that will remain on the pavement.;
 - The 8-ft LOC (the 2-ft increased lane widening/shoulder width plus the 6-ft shoulder) in the northern 9 mi of the project (Sta. 877+06.08 to the end of the project);
 - The FDOT-identified culvert work areas (generally defined as a 38-49 ft by 80-ft longitudinal area centered on the culvert and an expanded 48 ft by slightly less than 800 ft for 2 large pipe culvert diversionary road replacement locations on the east side- CD39 and CD54);
 - No construction activity, nor any construction personnel, vehicles, or equipment will be allowed outside of the appropriate Limits of Construction (LOC).
3. Staging/storage areas will be identified by FDOT or their Consultant and approved by the USFS/ANF. Only those storage/staging areas that have been identified and approved by the jurisdictional agencies will be used during the construction phase of the project. These areas will be used as turning points, parking areas, and stockpiling areas. All staging/storage areas will be identified, along with wetland or potential protected species/habitat restrictions, in the General Notes of the construction plan sheets, as well as in the Construction Contract and Specifications.
4. The Construction Contractor will be notified of the existence of Japanese climbing fern in the vicinity of some of the culverts so that caution can be

11. The GPS locations of the Harper's beauty and Godfrey's butterwort populations located near culverts CD20, CD45 and CD54 will be "marked" using orange barricade fencing, just prior to construction.
12. The FDOT has agreed to implement a 5-year monitoring plan of the Harper's beauty at CD20 and Godfrey's butterwort at CD45 and CD54 to determine long term effects resulting from the roadway project.
13. The FDOT has agreed to participate in a Rare Plant Working Group with the USFS and the USFWS to address rare plant issues along state roads in the Apalachicola National Forest.