



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

REPLY TO  
ATTENTION OF

Regulatory Division  
North Permits Branch  
Panama City Permits Section  
SAJ-2013-02362 (SP-JML)  
FPID #: 220664-2-52-01

February 3, 2015

Florida Department of Transportation – District 3  
C/o Mr. Colby Cleveland  
1074 Highway 90 East  
Chipley, Florida 32428

Dear Mr. Cleveland:

The U.S. Army Corps of Engineers (Corps) is pleased to enclose the Department of the Army permit, which should be available at the construction site. Work may begin immediately but the Corps must be notified of:

- a. The date of commencement of the work,
- b. The dates of work suspensions and resumptions of work, if suspended over a week, and
- c. The date of final completion.

This information should be mailed to the Special Projects and Enforcement Branch of the Regulatory Division of the Jacksonville District at 41 North Jefferson Street, Suite 301, Pensacola, Florida 32502. The Special Projects and Enforcement Branch is also responsible for inspections to determine whether Permittees have strictly adhered to permit conditions.

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

Sincerely,

for- Donald W. Kinard  
Chief, Regulatory Division

Enclosures

Copies Furnished:

Parsons Brinckerhoff  
C/o Mr. John Littlefield  
2202 N. West Shore Drive  
Suite 300  
Tampa, Florida 33607

Scheda Ecological Associates  
C/o Ms. Sandy Scheda  
5892 East Fowler Avenue  
Tampa, Florida 33617

USFWS, Panama City  
USCG, Eighth District, New Orleans  
NMFS, St. Petersburg

# DEPARTMENT OF THE ARMY PERMIT

**Permittee:**

FEB 3 2015

Florida Department of Transportation – District 3  
C/o Mr. Colby Cleveland  
1074 Highway 90 East  
Chipley, Florida 32428

**Permit No:** SAJ-2013-02362 (SP-JML)  
FPID #: 220664-2-52-01

**Issuing Office: U.S. Army Engineer District, Jacksonville**

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the U.S. Army Corps of Engineers (Corps) having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

**Project Description:** The proposed project is to expand the current two-lane bridge along SR-83/US-331 crossing Choctawhatchee Bay to a four-lane facility. The bridge itself will be regulated by the authority of the United States Coast Guard (USCG). The overall project is approximately 3.37 miles long and the southern end will tie into the existing four lane section at the intersection with Chat Holley Road, and the northern end will tie into the four-lane at the intersection with South Bay Grove Road.

The Corps regulates all additional in-water work which consists of the construction of a new public recreational boat park and amenities (boat ramp, 7 piling supported structures, bank stabilization, etc.), the removal of existing structures, associated on-site mitigation, and all reconstruction of both the northern and southern causeways.

The old fishing piers (sections of the former bridge) on either side of the main channel along with all existing roadside boat ramps, finger piers and restrooms will be removed as part of the overall project. A new park facility will be constructed on the northern tip of the southern causeway under the new northbound bridge structure and will consist of a 4 lane boat ramp, 7 new piling supported structures, and associated parking areas. The northern and southern causeways are proposed to be improved by the placement of fill material and rip rap which will help to provide long-term stabilization.

There are a total of 3.86 acres of impacts to jurisdictional waters. The impacts consist of:

- a. 0.41 acres of vegetated impacts (wetland line to mean high water),
- b. 2.33 acres of unvegetated fill impacts below MHW (0.09 acres from boat ramp, 0.74 fill to existing seawall, and 1.50 acres of additional fill impacts beyond the seawall), and
- c. 1.12 acres of rip rap only impacts to unvegetated areas below the mean high water line.

Mitigation to offset overall impacts associated with the referenced project will involve the purchase of 0.07 credits from the Northwest Florida Water Management District – In Lieu Fee Program - Live Oak Point Mitigation Area, and the creation of 0.89 acres of marsh habitat along the western portion of the Northern Causeway.

The work described above is to be completed in accordance with the 34 pages of drawings [and 6 additional attachments] affixed at the end of this permit instrument.

**Project Location:** The project is located within the waters of Choctawhatchee Bay, at the existing SR-83/US-331 Bridge and causeway crossings, adjacent to the Community of Santa Rosa Beach and the City of Freeport, Walton County, Florida.

**Directions to site:** From the intersection of SR-83/US-331 and US Highway 98, travel north approximately 1.6 miles to the southern end of the project. The project area is located near the SR-83/US-331 bridge crossing Choctawhatchee Bay.

**Approximate Central Coordinates:**

Latitude: 30.407151° North  
Longitude: 86.165523° West

**Permit Conditions**

**General Conditions:**

1. The time limit for completing the work authorized ends on FEB 3 2020.  
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.



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2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature and the mailing address of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

**Special Conditions:**

1. **Reporting Address:** The Permittee shall submit all reports, notifications, documentation and correspondence required by the general and special conditions of this permit to the following address:

a. For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Special Projects and Enforcement Branch, 41 North Jefferson St., Suite 301, Pensacola, FL 32502 .

b. For electronic mail [SAJ-RD-Enforcement@usace.army.mil](mailto:SAJ-RD-Enforcement@usace.army.mil) (not to exceed 10 MB). The Permittee shall reference this permit number, SAJ-2013-02362 (SP-JML), on all submittals.



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**2. Commencement Notification:** Within 10 days from the date of initiating the work authorized by this permit/Within 10 days from the date of initiating the work authorized by this permit for each phase of the authorized project, the Permittee shall provide a written notification of the date of commencement of authorized work to the Corps.

**3. As-Built Certification:** Within 60 days of completion of the work authorized by this permit, the Permittee shall submit as-built drawings of the authorized work and a completed "As-Built Certification By Professional Engineer" form (Attachment 6) to the Corps. The as-built drawings shall be signed and sealed by a registered professional engineer and include the following:

a. A plan view drawing of the location of the authorized work footprint, as shown on the permit drawings, with transparent overlay of the work as constructed in the same scale as the permit drawings on 8½-inch by 11-inch sheets. The plan view drawing should show all "earth disturbance," including wetland impacts and water management structures.

b. A list of any deviations between the work authorized by this permit and the work as constructed. In the event that the completed work deviates, in any manner, from the authorized work, describe on the attached "As-Built Certification By Professional Engineer" form the deviations between the work authorized by this permit and the work as constructed. Clearly indicate on the as-built drawings any deviations that have been listed. Please note that the depiction and/or description of any deviations on the drawings and/or "As-Built Certification By Professional Engineer" form does not constitute approval of any deviations by the Corps.

c. Include the Department of the Army permit number on all sheets submitted.

**4. Agency Changes/Approvals:** Should any other agency require and/or approve changes to the work authorized or obligated by this permit, the Permittee is advised a modification to this permit instrument is required prior to initiation of those changes. It is the Permittee's responsibility to request a modification of this permit from the **Panama City** Permits Section. The Corps reserves the right to fully evaluate, amend, and approve or deny the request for modification of this permit.

**5. Assurance of Navigation and Maintenance:** 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 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.

**6. Posting of Permit:** The Permittee shall have available and maintain for review a copy of this permit and approved plans at the construction site.

**7. Turbidity Barriers:** Prior to the initiation of any of the work authorized by this permit, the Permittee shall install floating turbidity barriers with weighted skirts that extend to within 1-foot of the bottom around all work areas that are in, or adjacent to, surface waters. The turbidity barriers shall remain in place and be maintained until the authorized work has been completed and all suspended and erodible materials have been stabilized. Turbidity barriers shall be removed upon stabilization of the work area.

**8. Erosion Control:** Prior to the initiation of any work authorized by this permit, the Permittee shall install erosion control measures along the perimeter of all work areas to prevent the displacement of fill material outside the work area into waters of the United States. Immediately after completion of the final grading of the land surface, all slopes, land surfaces, and filled areas shall be stabilized using sod, degradable mats, barriers, or a combination of similar stabilizing materials to prevent erosion. The erosion control measures shall remain in place and be maintained until all authorized work is completed and the work areas are stabilized.

**9. Fill Material:** The Permittee shall use only clean fill material for this project. The fill material shall be free from items such as trash, debris, automotive parts, asphalt, construction materials, concrete block with exposed reinforcement bars, and soils contaminated with any toxic substance, in toxic amounts in accordance with Section 307 of the Clean Water Act.

**10. Dredged material Disposal:** The Permittee shall place all dredged material in a self-contained, upland disposal site. The Permittee shall maintain the upland disposal site to prevent the discharge of dredged material and associated effluent into waters of the United States.

**11. Manatee Conditions:** The Permittee shall comply with the "Standard Manatee Conditions for In-Water Work – 2011" (Attachment 3).

**12. Sea Turtle and Smalltooth Sawfish Conditions:** The Permittee shall comply with National Marine Fisheries Service's "Sea Turtle and Smalltooth Sawfish Construction Conditions" dated March 23, 2006, (Attachment 4).



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**13. In-Lieu Credit Purchase:** Within 30 days from the date of initiating the work authorized by this permit, the Permittee shall provide verification to the Corps that 0.07 estuarine emergent credits have been purchased from the Northwest Florida Water Management District - In-lieu Fee Program - Live Oak Point mitigation site. The required verification shall reference this project's permit number (SAJ-2013-02362 (SP-JML)).

**14. Compensatory Mitigation:** Within 12 months from the date of initiating the work authorized by this permit, the Permittee shall complete all construction and implementation mitigation activities in accordance with the approved final compensatory mitigation plan included as Attachment 7 of this permit. In addition, the Permittee shall complete all additional required mitigation plan components as detailed in Attachment 7.

**15. Monitoring and Reporting Timeframes:** To document achievement of the performance standards identified in the approved mitigation plan (Attachment 7) the Permittee shall complete the following:

a. Perform a time-zero monitoring event of the wetland mitigation area(s) within 60 days of completion of the compensatory mitigation construction and implementation activities identified in the the approved mitigation plan (Attachment 7)

b. Submit the time-zero report to the Corps within 60 days of completion of the monitoring event. The report will include at least one paragraph depicting baseline conditions of the mitigation site(s) prior to initiation of the compensatory mitigation objectives and a detailed plan view drawing of all created, enhanced and/or restored mitigation areas.

c. Subsequent to completion of the compensatory mitigation objectives, perform semi-annual monitoring of the wetland mitigation areas for the first 2 years and annual monitoring thereafter for a total of no less than 5 years of monitoring.

d. Submit annual monitoring reports to the Corps within 60 days of completion of the monitoring event. Semi-annual monitoring will be combined into one annual monitoring report.

e. Monitor the mitigation area(s) and submit annual monitoring reports to the Corps until released in accordance with the **Mitigation Release** Special Condition of this permit.



**16. Reporting Format:** The Permittee shall submit all monitoring documentation to the Corps on 8½-inch by 11-inch paper, and include the following:

a. Project Overview:

- (1) Department of the Army Permit Number
- (2) Name and contact information of Permittee and consultant
- (3) Name of party responsible for conducting the monitoring and the date(s) the inspection was conducted
- (4) A brief paragraph describing the purpose of the approved project, acreage and type of aquatic resources impacted, and mitigation acreage and type of aquatic resources authorized to compensate for the aquatic impacts.
- (5) Written description of the location, any identifiable landmarks of the compensatory mitigation project including information to locate the site perimeter(s), and coordinates of the mitigation site (expressed as latitude, longitude, UTM, state plane coordinate system, etc.).
- (6) Dates compensatory mitigation commenced and/or was complete.
- (7) Short statement on whether the performance standards are being met.
- (8) Dates of any recent corrective or maintenance activities conducted since the previous report submission
- (9) Specific recommendations for any additional corrective or remedial actions.

b. Requirements: List the monitoring requirements and performance standards, as specified in the approved mitigation plan and special conditions of this permit, and evaluate whether the compensatory mitigation project site is successfully achieving the approved performance standards or trending towards success. A table is a recommended option for comparing the performance standards to the conditions and status of the developing mitigation site.

c. Summary Data: Summary data should be provided to substantiate the success and/or potential challenges associated with the compensatory mitigation project. Photo documentation may be provided to support the findings and recommendations referenced in the monitoring report and to assist the PM in assessing whether the compensatory mitigation project is meeting applicable performance standards for that monitoring period. Submitted photos should be

formatted to print on a standard 8½-inch x 11-inch piece of paper, dated, and clearly labeled with the direction from which the photo was taken. The photo location points should also be identified on the appropriate maps.

d. **Maps and Plans:** Maps shall be provided to show the location of the compensatory mitigation site relative to other landscape features, habitat types, locations of photographic reference points, transects, sampling data points, and/or other features pertinent to the mitigation plan. In addition, the submitted maps and plans should clearly delineate the mitigation site perimeter(s). Each map or diagram should be formatted to print on a standard 8½-inch x 11-inch piece of paper and include a legend and the location of any photos submitted for review. As-built plans may be included.

e. **Conclusions:** A general statement shall be included that describes the conditions of the compensatory mitigation project. If performance standards are not being met, a brief explanation of the difficulties and potential remedial actions proposed by the Permittee or sponsor, including a timetable, shall be provided. The District Commander will ultimately determine if the mitigation site is successful for a given monitoring period.

**17. Remediation:** If the compensatory mitigation fails to meet the performance standards 5 years after completion of the compensatory mitigation objectives, the compensatory mitigation will be deemed unsuccessful. Within 60 days of notification by the Corps that the compensatory mitigation is unsuccessful, the Permittee shall submit to the Corps an alternate compensatory mitigation proposal sufficient to create the functional lift required under this permit. The alternate compensatory mitigation proposal may be required to include additional mitigation to compensate for the temporal loss of wetland functions associated with the unsuccessful compensatory mitigation activities. The Corps reserves the right to fully evaluate, amend, and approve or reject the alternate compensatory mitigation proposal. Within 120 days of Corps approval, the Permittee will complete the alternate compensatory mitigation proposal.

**18. Mitigation Release:** The Permittee's responsibility to complete the required compensatory mitigation, as set forth in the Compensatory Mitigation Special Condition of this permit will not be considered fulfilled until mitigation success has been demonstrated and written verification has been provided by the Corps. A mitigation area which has been released will require no further monitoring or reporting by the Permittee; however the Permittee, Successors and subsequent Transferees remain perpetually responsible to ensure that the mitigation area(s) remain in a condition appropriate to offset the authorized impacts in accordance with General Condition 2 of this permit.

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**Further Information:**

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

(X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403)

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344)

~~( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413)~~

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal projects.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.



4. **Reliance on Applicant's Data:** The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. **Reevaluation of Permit Decision:** This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

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

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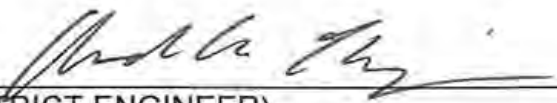
Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

  
\_\_\_\_\_  
(PERMITTEE)

2/3/15  
\_\_\_\_\_  
(DATE)

COLBY CLEVELAND  
\_\_\_\_\_  
(PERMITTEE NAME-PRINTED)

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

  
\_\_\_\_\_  
(DISTRICT ENGINEER)

3 February 2015  
\_\_\_\_\_  
(DATE)

for  
Alan M. Dodd,  
Colonel, U.S. Army  
District Commander

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When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

\_\_\_\_\_  
(TRANSFEEE-SIGNATURE)

\_\_\_\_\_  
(DATE)

\_\_\_\_\_  
(NAME-PRINTED)

\_\_\_\_\_  
(ADDRESS)

\_\_\_\_\_  
(CITY, STATE, AND ZIP CODE)



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

1. PERMIT DRAWINGS: 34 pages, dated January 23, 2015.
2. 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