



Florida Department of Environmental Protection

Northwest District
160 W. Government Street, Suite 308
Pensacola, Florida 32502-5740

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard Jr.
Secretary

July 18, 2012

Sent via email to:

joy.giddens@dot.myflorida.com

Florida Department of Transportation
c/o Joy Giddens
PO Box 607
1074 Highway 90
Chipley, Florida 32428

FDOT File No.: 66-0274272-005-EM, modification of File No.: 66-0274272-004-EI

Dear Ms. Giddens:

Your request to modify this permit has been received and reviewed by Department staff. The modifications are to: transfer the 31.46 (wetland functional units) mitigation credits from the Northwest Florida Water Management District's Lafayette Creek Mitigation Area to the Nokuse Plantation Mitigation Bank and the Northwest Florida Water Management District's Live Oak Peninsula Mitigation Area. The modified mitigation will consist of purchase of 31.32 palustrine credits from Nokuse Mitigation Bank and debiting of 0.14 credits from the Live Oak Peninsula Mitigation Area credit ledger.

The above changes are not expected to adversely affect water quality and will not be contrary to the public interest.

Since the proposed modification is not expected to result in any adverse environmental impact or water quality degradation, the permit is hereby modified as requested. By copy of this letter and the attached drawings, we are notifying all necessary parties of the modification(s).

This letter of approval does not alter the original expiration date, December 13, 2016, Specific or General Conditions, or monitoring requirements of the permit. This letter and accompanying drawings must be attached to the original permit.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) in accordance with Section 120.57, Florida Statutes. The petition must contain the information set forth below and must be file (received) in the Office of General Counsel of the Department at 3900 Commonwealth Blvd., Tallahassee, Florida 32399-3000. Petitions filed by the permittee and the parties listed below must be filed within fourteen (14) days of receipt of this letter. Petitioner shall mail a copy of the petition to the permittee at the address indicated above at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under Section 120.57, F.S.

The Petition shall contain the following information:

- (a) The name, address, and telephone number of each petitioner, the permittee's name and address, the Department Permit File Number and the county in which the project is proposed;
- (b) A statement of how and when each petitioner received notice of the Department's action or proposed action;
- (c) A statement of how each petitioner's substantial interests are affected by the Departments' action; or proposed action;
- (d) A statement of the material facts disputed by petitioner, if any;
- (e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action;
- (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and
- (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

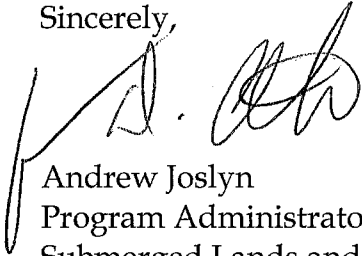
If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this letter. Persons whose substantial interest will be affected by any decision of the Department with regard to the permit have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within fourteen (14) days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has

to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-5.207, F.A.C.

This notice constitutes final agency action unless a petition is filed in accordance with the above paragraphs or unless a request for extension of time in which to file a petition is filed with the time specified for filing a petition and conforms to Rule 62-103.070, F.A.C. Upon timely filing of a petition or a request for an extension of time this Notice will not be effective until further order of the Department.

Any party to this letter has the right to seek judicial review of the order pursuant to Section 120.68, Florida Statutes, by filing a Notice of Appeal pursuant to Rule 9.110, Florida Statute of Appellate Procedure, with the Clerk of the Department in the Office of the General Counsel, MS 35, 3900 Commonwealth Blvd., Tallahassee, Florida 32399-3000; and by filing a copy with the appropriate District Court of Appeal. The Notice of Appeal must be filed within thirty (30) days from the date the Notice of Permit Modification is filed with the Clerk of the Department.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Joslyn', is written over a horizontal line.

Andrew Joslyn
Program Administrator
Submerged Lands and Environmental
Resources Program

AJ:sr

Enclosure: Permit Drawings

c: U.S. Army Corps of Engineers
Walton County

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this permit and authorization to use sovereignty submerged lands, including all copies, were mailed before the close of business on July 18, 2012, to the above listed persons.

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to 120.52(9),
Florida Statutes, with the designated Department Clerk,
receipt of which is hereby acknowledged.

Martha Luppert

Clerk

7/18/12

Date