



REPLY TO
ATTENTION OF

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

February 10, 2005

North Permits Branch
SAJ-2001-1118 (IP-DEB)

Frank Roberts
Florida Department of Transportation
1074 Highway 90 East
Chipley, Florida 32428

Dear Mr. Roberts:

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

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

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

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

Sincerely,

Marie G. Burns
Chief, Regulatory Division

Enclosures



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

DEPARTMENT OF THE ARMY PERMIT

Permittee: FLORIDA DEPARTMENT OF TRANSPORTATION
POST OFFICE BOX 607
CHIPLEY, FLORIDA 32428-0607

Permit No. SAJ-2001-1118 (IP-DEB)

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

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

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

Project Description: The permittee is authorized to relocate U.S. Highway 331 (US331), approximately one mile eastward (at its widest point) from its existing location, beginning approximately 0.5 mile south of State Road 20 (SR20) and extending northward approximately 5.7 miles north of SR20 to its connection to the existing highway near Owls Head Road. The highway will remain a two-lane road; however, the segment of highway including, and south of, the US331-SR20 intersection will be an urban, four-lane intersection complete with sidewalks. As part of this project, the permittee will construct bridge crossings at Wetland N5 (located across the main channel of Lafayette Creek and its adjacent wetlands), two bridges at Wetlands N1 and N2 (crossing two of the creek's unnamed tributaries), two below-ground drain systems at Wetland A2, a 5' x 7' box and 24" round culvert at Wetland N3, a 4' x 7' box culvert at Wetland N4, an 18" culvert at Wetland N4A, and five stormwater ponds.



This project will impact approximately 8.63 acres of freshwater wetlands (including 5.98 acres by placement of fill material, 0.75 acre by excavation, 0.60 acre by shading, and 1.30 acres of temporary impacts in freshwater wetlands and ditches contiguous with several tributaries of Lafayette Creek). The purpose of the project is to improve the level of highway transportation servicing the civilian and military population in southeast Walton County, Florida. The project is as shown and described on attached plans numbered SAJ-2002-1118(IP-DEB) in 70 sheets, dated January 26, 2005.

Project Location: The project is located approximately 5.7 miles north of SR20, near Owls Head Road, and continues south to a point approximately 0.5 mile south of the intersection of U.S. US331 and SR20, in Sections 1, 2, 11, 12, 22, and 23, Township 1 north, Range 19 west, and Sections 25, 26, 35, and 36, Township 2 north, Range 19 west, Walton County, Florida.

Geographic Position: Latitude 30° 30' 00" North
Longitude 86° 07' 00" West

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on February 4, 2009. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

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

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

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

Special Conditions:

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

1. Fill material used for this project shall be limited to suitable, clean fill material, which excludes items such as trash, debris, car bodies, asphalt, construction materials, concrete block with exposed reinforcement bars, and soils contaminated with any toxic substance, in toxic amounts (see Section 307 of the Clean Water Act).

2. Reduction and/or elimination of turbid water conditions and the erosion of disturbed or filled areas in adjacent waterbodies and wetlands are to be achieved through the use of silt curtains or screens, between the construction area and wetlands or surface waters, during periods of fill placement. Such devices shall be properly maintained until such time as those disturbed areas become sufficiently stabilized by natural recruitment of vegetation or other measures.

3. The permittee shall ensure that the mitigation project, as described in the attached NFWFMD regional mitigation plan for FDOT Work program item #3119143 is implemented. Concurrent with the commencement of authorized construction activities, and within one year of the date of issuance of this permit, the permittee agrees to provide preservation and enhancement of a 490-acre offsite mitigation area (containing approximately 312 acres of freshwater stream, and hydric and mesic pine flatwood wetlands, as well as 178 acres of upland buffer) as mitigation for impacts to 8.63 acres of freshwater stream and hydric pine flatwood wetlands according to the permit drawings #55-65. The permittee will assure the long-term preservation and management of the mitigation area in perpetuity.

Within six months of permit issuance, the permittee will submit a detailed Final Mitigation and Monitoring Plan (based on the preliminary plan), which must meet the Corps' approval and outline the proposed enhancement and restoration activities, timetables, and success criteria. The following restoration and management activities will be made part of the Final Mitigation and Monitoring Plan:

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

(b) the planting of suitable, native plant species within the wetland enhancement and restoration areas,

(c) thinning/removal of loblolly pine (*Pinus taeda*) and sand pine (*Pinus clausa*) and planting of suitable, native plant species within designated upland areas to include, but not be limited to longleaf pine (*Pinus palustris*) and wiregrass (*Aristida spp.*),

(d) hydrologic restoration through the removal of road fill and replacing culverts with bridges and/or crossings (at Wolf Creek and Lafayette Creek), and

(e) the application of prescribed burning in accordance with an approved burn management plan.

4. Within 60 days following commencement of wetland enhancement and restoration activities, the applicant will provide annual monitoring reports to this office for a period of 5 years, or until success of the following criteria is achieved for two years:

(a) survival of at least 80% of planted groundcovers, shrubs and trees (if applicable),

(b) a dominant groundcover consisting of a suitable combination of FAC, and FACW and/or OBL plant species,

(c) control of exotic and native-invasive species such that the entire mitigation site contains $\leq 1\%$ exotic, and $\leq 5\%$ native-invasive plant species, and

(d) meeting the following post development Wetland

Rapid Assessment Procedure (WRAP) scores:

WRAP Category	WRAP Score
Wildlife	2.5
Overstory	2.75
Groundcover	2.75
Adjacent Buffer	2.0
Hydrology	3
Water Quality	3

A copy of the monitoring reports shall be mailed to the Regulatory Division, Enforcement Branch, Post Office Box 4970, Jacksonville, Florida 32232-0019, Re: SAJ-2001-1118 (IP-DEB).

5. Each monitoring report shall include the information required by the Final Mitigation Plan. In addition, each report shall provide a narrative generally providing a professional biological opinion of the condition of the other portions of the conservation areas, a plan view describing the vegetative community, a list of species and their percent cover for each community, description of whether the planting or enhancement has met the success criteria, the percent cover of wetland and of exotic plant species, a description of any unusual climatic or other factors, and panoramic photos from the same points as where the photos for the initial report.

6. Each monitoring report, including the initial report, shall include a WRAP evaluation of each wetland enhancement and creation area to be conducted annually during the wet season. The initial WRAP data will be collected at a quadrant location considered representative of the polygon. Subsequent WRAP data will be collected at the same quadrant location. The WRAP scores will be compared to the projected scores used in the mitigation calculations.

7. If the mitigation areas have not reached the criteria for success as stated in the attached monitoring plan or the projected WRAP scores at the end of the five-year monitoring period, the monitoring report shall also include a plan of additional planting, excavation, monitoring, changes in control elevations, and/or other actions to achieve success. Once a mitigation area has reached success the long-term management plan will be implemented to ensure the continued persistence of desirable wetland and/or upland communities. Periodic inspections will be conducted to evaluate site conditions. Potential problems, such as re-colonization by exotics, will be noted and appropriate corrective actions undertaken. Follow up inspections will be made to evaluate the success of the corrective actions and determine what, if any, additional measures are required.

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

9. 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.

10. "Within 60 days of completion of the work authorized [and mitigation (if applicable)] the attached Self-Certification Statement of Compliance must be completed and submitted to the U.S. Army Corps of Engineers (Corps). Mail the completed form to the Regulatory Division, Enforcement Branch, Post Office Box 4970, Jacksonville, Florida 32232-0019, Re: SAJ-2001-1118 (IP-DEB).

Further Information:

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

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

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.

7. If the work authorized is not completed on or before **February 4, 2009**, authorization, if not previously revoked or specifically extended, shall cease, and be null and void.

Please refer to the attached form, *Notification of Administrative Appeal Options and Process*, concerning your options on acceptance of this permit. For appeals of special conditions, applicants must first appeal to the District Engineer (Branch Chief), to be mailed to the above letterhead address. To appeal this decision, or for appeals based on other concerns, the applicant should mail the completed form to the following address:

Commander, South Atlantic Division
U.S. Army Corps of Engineers
ATTN: Appeals Review Officer
CESAD-CM-CO-R, Room 9M15
60 Forsyth St., SW.
Atlanta, Georgia 30303-8801

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

Joy S. Giddens

(APPLICANT NAME and TITLE)

District Permits Coordinator

2/10/05

(DATE)

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

Robert M. Carpenter

(DISTRICT ENGINEER)

Robert M. Carpenter
Colonel, U.S. Army

2/10/05

(DATE)

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

(TRANSFEREE-SIGNATURE)

(DATE)

(NAME-PRINTED)

(ADDRESS)

(CITY, STATE, AND ZIP CODE)

DEPARTMENT OF THE ARMY PERMIT

Attachments to Department of the Army
Permit Number SAJ-2001-1118 (IP-DEB)

1. PERMIT DRAWINGS: Included as Attachments #1 - 54.
2. MITIGATION, MAINTENANCE AND MONITORING PROCEDURES: All provisions of the mitigation and monitoring plan are incorporated into, and made part of, this permit, as Attachments #55 - 65.
3. WATER QUALITY CERTIFICATION: In accordance with General Condition number 5 on page 2 of this DA permit, the Florida Department of Environmental Protection Water Quality Certificate #66-0218103-001 (dated October 22, 2004) specific conditions are enclosed as Attachments #66 - 70.

SELF-CERTIFICATION STATEMENT OF COMPLIANCE

Permit Number: SAJ-2001-1118 (IP-DEB)

Permittee's Name and Address (please print or type):
FLORIDA DEPARTMENT OF TRANSPORTATION
POST OFFICE BOX 607
CHIPLEY, FLORIDA 32428-0607

Telephone Number: 850-538-0250

Location of the Work: The project is located approximately 5.7 miles north of SR20, near Owls Head Road, and continues south to a point approximately 0.5 mile south of the intersection of U.S. US331 and SR20, in Sections 1, 2, 11, 12, 22, and 23, Township 1 north, Range 19 west, and Sections 25, 26, 35, and 36, Township 2 north, Range 19 west, Walton County, Florida. Project location coordinates are: Latitude 30° 30' 00" North, Longitude 86° 07' 00" West.

Date Work Started: _____ Date Work Completed: _____

Description of the Work (e.g., dock construction, bank stabilization, dredging, residential/commercial filling, etc.): The permittee is authorized to relocate U.S. Highway 331 (US331), approximately one mile eastward (at its widest point), from its existing location. The realignment of US331 will begin approximately 0.5 mile south of State Road 20 (SR20) and extend northward approximately 5.7 miles north of SR20 to its connection to the existing highway near Owls Head Road.

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

Describe Mitigation completed (if applicable): _____

Describe any Deviations from the Permit (attach drawings showing 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 drawings.

Signature of Permittee

Date

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

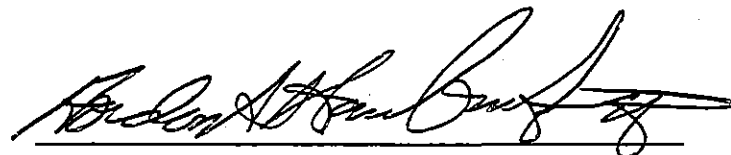
United States Army Corps of Engineers EXPIRES: (February 4, 2009)

A permit to relocate U.S. Highway 331 (US331), approximately one mile eastward (at its widest point), from its existing location. The realignment will begin approximately 0.5 mile south of State Road 20 (SR20) and extend northward approximately 5.7 miles from SR20 to its connection point at to the existing highway near Owls Head Road, in Sections 1, 2, 11, 12, 22, and 23, Township 1 north, Range 19 west, and Sections 25, 26, 35, and 36, Township 2 north, Range 19 west, Walton County, Florida,

has been issued to: Florida Department of Transportation
Post Office Box 607
Chipley, Florida 32428-0607

on February 4, 2005

SAJ-2001-1118 (IP-DEB)



Robert M. Carpenter
Colonel, U.S. Army
District Engineer

**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND
REQUEST FOR APPEAL**

Applicant:	File Number:	Date:
Attached is:		See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
	PERMIT DENIAL	C
	APPROVED JURISDICTIONAL DETERMINATION	D
	PRELIMINARY JURISDICTIONAL DETERMINATION	E

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

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

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

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

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

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

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

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

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

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

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

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

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

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

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

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

Stuart Santos, Program Manager
Jacksonville District
Regulatory Division
P.O. Box 4970
Jacksonville, Florida 32232-0019
Phone: (904) 232-2018

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

Signature of appellant or agent.

Date:

Telephone
number: