



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
400 HIGH POINT DRIVE, SUITE 600
COCOA, FLORIDA 32926

March 3, 2014

REPLY TO
ATTENTION OF

Regulatory Division
North Permits Branch
Cocoa Permits Section
SAJ-2013-00985(NW-AWP)

Florida Department of Transportation, District 3
Attn: Joy Swanson
PO Box 607
Chipley, Florida 32428

Dear Ms. Swanson:

Reference is made to your electronic mail dated March 3, 2014, in which you identified a clerical error in Special Condition number 6 of Nationwide Verification SAJ-2013-00985. Specifically, Special Condition number 6 referenced mitigation which will be completed as part of Department of the Army Permit (DA) number SAJ-2013-01012(IP-AWP) not SAJ-2019-00985(NW-AWP). DA permit SAJ-2013-01012 is the adjoining segment of roadway to this project. Per your point of clarification Special Condition number 6 has been corrected to reference the compensatory mitigation needed to fully offset the wetland functional loss associated with SAJ-2013-00985, State Road (SR) 123 from State Road (SR) 85 South to north of Tom's Creek Bridge, in Sections 4, 9, and 14, Township 01 South, Range 23 West, Niceville, Okaloosa County, Florida.

The corrected special condition now reads:

6. Mitigation Credit Deduction: Within 30 days from the date of initiating the authorized work the Permittee shall provide verification to the Corps that 0.14 palustrine forested federal mitigation credits have been deducted from the Corps/NWFWMD Umbrella Plan. The required verification shall reference this project's permit number (SAJ-2013-00985).

Please find attached a copy of the corrected verification. Please replace your September 26, 2013 verification with the March 3, 2014 verification and the copy of this letter. If you have any questions please contact Andrew Phillips by telephone at 321-504-3771 ex 14.

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 <http://per2.nwp.usace.army.mil/survey.html> and complete our automated Customer Service Survey. Your input is appreciated – favorable or otherwise. Again, please be aware this web address is case sensitive and should be entered as it appears above.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Phillips", with a long horizontal flourish extending to the right.

Andrew Phillips
Project Manager

Enclosures

Copy Furnished: (electronically)

FWS; Mary Mittiga
USACE; Clif Payne
USACE; Terry Wells
USACE; Melinda Witgenstein
NWFWM; Robert Lide



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
400 HIGH POINT DRIVE, SUITE 600
COCOA, FLORIDA 32926

March 3, 2014

REPLY TO
ATTENTION OF

Regulatory Division
North Permits Branch
Cocoa Permits Section
SAJ-2013-00985(NW-AWP)

Florida Department of Transportation, District 3
Attn: Joy Giddens
PO Box 607
Chipley, Florida 32428

Dear Ms. Giddens:

The U.S. Army Corps of Engineers (Corps) assigned your application for a Department of the Army permit, which the Corps received on April 8, 2013, the file number SAJ-2013-00985. A review of the information and drawings provided indicates that the proposed work would result in permanent impacts to 0.18 acre of waters of the United States (surface waters and wetlands) and 0.49 acre of temporary impacts to wetlands and surface waters for the construction of new SR 85 bridge over Tom's Creek. The project site is located within the right-of-way of State Road (SR) 123 from State Road (SR) 85 South to north of Tom's Creek Bridge, in Sections 4, 9, and 14, Township 01 South, Range 23 West, Niceville, Okaloosa County, Florida.

Your project, as depicted on the enclosed drawings, is authorized by Nationwide Permit (NWP) Numbers 14 and 33. In addition, project specific conditions have been enclosed. This verification is valid until **March 18, 2017**. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant nationwide permit is modified or revoked, you will have 12 months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this nationwide permit. Please access the U.S. Army Corps of Engineers' (Corps) Jacksonville District's Regulatory Internet page to access Internet links to view the Final Nationwide Permits, Federal Register Vol. 77, dated February 21, 2012, specifically pages 10270 – 10290, the Corrections to the Final Nationwide Permits, Federal Register 77, March 19, 2012, and the List of Regional Conditions. The Internet page address is:

<http://www.saj.usace.army.mil/Missions/Regulatory.aspx>

Please be aware this Internet address is case sensitive and should be entered as it appears above. Once there you will need to click on "Source Book"; and, then 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 NWPs 14 and 33. 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, Special Projects and Enforcement Branch, PO 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. Cultural Resources/Historic Properties:
 - a. No structure or work shall adversely affect impact or disturb properties listed in the *National Register of Historic Places* (NRHP) or those eligible for inclusion in the NRHP.
 - b. If during the ground disturbing activities and construction work within the permit area, there are archaeological/cultural materials encountered which were not the subject of a previous cultural resources assessment survey (and which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes, evidence of structures or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the Permittee shall immediately stop all work and ground-disturbing activities within a 100-meter diameter of the discovery and notify the Corps within the same business day (8 hours). The Corps shall then notify the Florida State Historic Preservation Officer (SHPO) and the appropriate Tribal Historic Preservation Officer(s) (THPO(s)) to assess the significance of the discovery and devise appropriate actions.
 - c. Additional cultural resources assessments may be required of the permit area in the case of unanticipated discoveries as referenced in accordance with the above Special Condition ; and if deemed necessary by the SHPO, THPO(s), or Corps, in accordance with 36 CFR 800 or 33 CFR 325, Appendix C (5). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume on non-federal lands without written authorization from the SHPO for finds under his or her jurisdiction, and from the Corps.

d. In the unlikely event that unmarked human remains are identified on non-federal lands, they will be treated in accordance with Section 872.05 Florida Statutes. All work and ground disturbing activities within a 100-meter diameter of the unmarked human remains shall immediately cease and the Permittee shall immediately notify the medical examiner, Corps, and State Archeologist within the same business day (8-hours). The Corps shall then notify the appropriate SHPO and THPO(s). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume without written authorization from the State Archeologist and from the Corps.

4. **Biological Opinion:** This Corps permit does not authorize the Permittee to take an endangered species, in particular the Okaloosa Darter (*Etheostoma okaloosae*). In order to legally take a listed species, the Permittee must have separate authorization under the Endangered Species Act (ESA) (e.g., an ESA Section 10 permit, or a BO under ESA Section 7, with “incidental take” provisions with which the Permittee must comply). The enclosed US Fish and Wildlife Service (FWS) Biological Opinion (BO) (Attachment 1) contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with “incidental take” that is also specified in the BO. Authorization under this Corps permit is conditional upon compliance with all of the mandatory terms and conditions associated with incidental take of the attached BO, which terms and conditions are incorporated by reference in this permit. Failure to comply with the terms and conditions associated with incidental take of the BO, where a take of the listed species occurs, would constitute an unauthorized take, and it would also constitute non-compliance with this Corps permit. The FWS is the appropriate authority to determine compliance with the terms and conditions of its BO, and with the ESA.

5. **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. 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 has been completed and the site has been stabilized.

6. **Mitigation Credit Deduction:** Within 30 days from the date of initiating the authorized work the Permittee shall provide verification to the Corps that 0.14 palustrine forested federal mitigation credits have been deducted from the Corps/NWFWMD Umbrella Plan. The required verification shall reference this project's permit number (SAJ-2013-00985).

7. **As-Builts:** Within 60 days of completion of the authorized work or at the expiration of the construction authorization of this permit, whichever occurs first, the Permittee shall submit as-

built drawings of the authorized work and a completed As-Built Certification Form (Attachment 4) to the Corps. The 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 an overlay of the work as constructed in the same scale as the attached permit drawings (8½-inch by 11-inch). The drawing should show all "earth disturbance," including wetland impacts, water management structures, and any on-site mitigation areas.
- b. List 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 As-Built Certification 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 Form does not constitute approval of any deviations by the U.S. Army Corps of Engineers.
- c. The Department of the Army Permit number.
- d. Include pre- and post-construction aerial photographs of the project site, if available.

8. **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.

9. **Regulatory Agency Changes:** Should any other regulatory agency require changes to the work authorized or obligated by this permit, the Permittee is advised that 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 Cocoa Regulatory Office.

10. **Temporary Wetland Impacts:** Within 30 days from the date of completing the authorized work the Permittee shall restore 0.49 acre(s) of temporary wetland impacts Drawing 13 of 13 to pre-existing contours, elevations, vegetation, habitat type, and hydrology.

11. **Monitoring and Reporting Timeframes:** To show compliance that the temporary impacts have been restored the Permittee shall complete the following:

- a. Perform a time-zero monitoring event of the temporary wetland impact areas 60 days prior to initiation of construction.

b. Subsequent to completion of the construction objectives and restoration activities, perform semi-annual monitoring of the temporary wetland impact areas for the first 3 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 restoration areas and submit annual monitoring reports to the Corps until released in accordance with Special Condition 14 of this permit.

12. Performance Standards: To meet the objectives of the restoration requirements, the Permittee shall achieve the following performance standards:

a. At least 80 percent cover by appropriate wetland species (i.e., FAC or wetter).

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 at <http://www.fleppc.org>, and the nuisance species, dogfennel (*Eupatorium capillifolium*), Bermudagrass (*Cynodon* spp.), Bahiagrass (*Paspalum notatum*), and cattail (*Typha* spp.) shall total less than 5 percent.

c. Less than 20 percent mortality of planted wetland species.

d. The Permittee shall achieve the above performance standards by the end of the 5-year monitoring period, with no maintenance during the 5th year of monitoring. In the event that the above performance standards have not been achieved, the Permittee shall undertake a remediation program approved by the Corps in accordance with the **Remediation** Special Condition of this permit.

13. Remediation: If the restored temporary wetland impact area fails to meet the performance standards 5 years after completion of the restoration objectives, the temporary wetland impact area will be considered a permanent impact and will require an after the fact permit. Within 60 days of notification by the Corps that the restoration area is unsuccessful, the Permittee shall submit to the Corps an application to authorize the temporary wetland impact area and provide an alternate compensatory mitigation proposal sufficient to create the functional lift required to offset the loss of wetland function resulting from this action. The alternate compensatory mitigation proposal may be required to include additional mitigation to compensate for the temporal loss of wetland function associated with the unsuccessful temporary wetland impact restoration activities. The Corps reserves the right to fully evaluate, amend, and approve or reject the application and alternate compensatory mitigation proposal.

14. Temporary Wetland Impact Release: The Permittee's responsibility to complete the required temporary wetland impact restoration, as set forth in Special Condition 10 of this

verification will not be considered fulfilled until the temporary wetland impact restoration success has been demonstrated and written verification has been provided by the Corps.

This letter of authorization 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 me by telephone at 321-504-3771 extension 14.

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 visit <http://per2.nwp.usace.army.mil/survey.html> and complete our automated Customer Service Survey. Your input is appreciated – favorable or otherwise. Again, please be aware this Internet address is case sensitive and should be entered as it appears above.

Sincerely,

A handwritten signature in black ink, appearing to read 'Irene Sadowski', is written over a large, light-colored oval stamp.

Irene Sadowski
Chief, Cocoa Permits Section

Enclosures

Copy Furnished: (electronically)

FWS; Mary Mittiga
USACE; Clif Payne
USACE; Terry Wells

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 **March 18, 2017**. 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.

DEPARTMENT OF THE ARMY PERMIT TRANSFER REQUEST

PERMIT NUMBER: SAJ-2013-00985(NW-AWP)

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)

SELF-CERTIFICATION STATEMENT OF COMPLIANCE

Permit Number: SAJ-2013-00985(NW-AWP)

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: _____

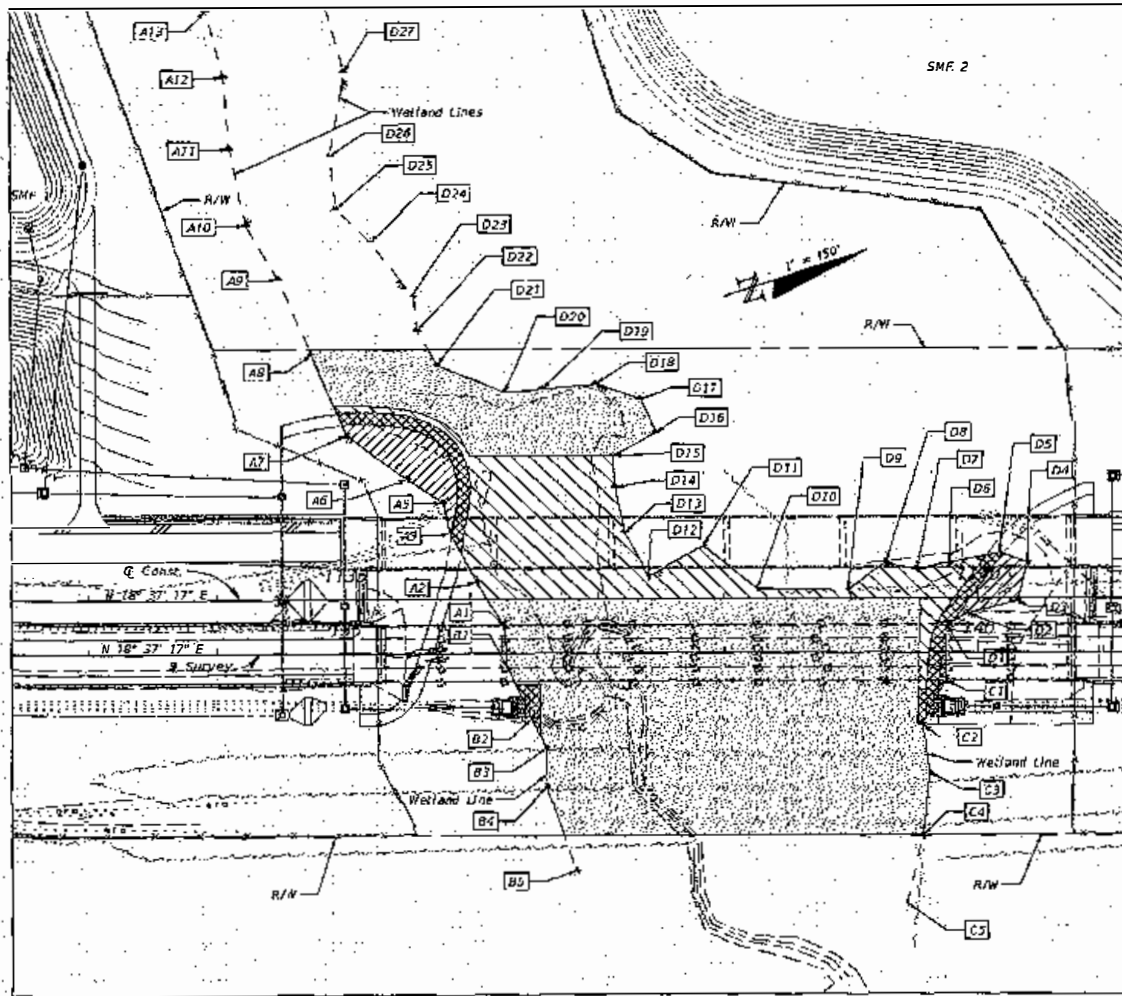
Describe Mitigation completed (if applicable): _____

Describe any Deviations from the 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

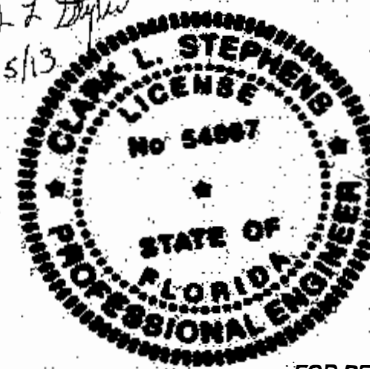
Date



LEGEND

- Non-Impacted Wetlands = 1.678 Acres
- Temporary Wetland Impacts = 0.494 Acres
- Impacted Wetlands (Dredge & Fill) = 0.090 Acres
- Impacted Wetlands (Fill) = 0.102 Acres

Clark L. Stephens
5/15/13



Wetland Line Locations

POINT	STATION	OFFSET
A1	1136+26.55	22.13 RT
A2	1136+05.14	13.57 LT
A3	1135+84.05	55.15 LT
A4	Not Used	
A5	1135+78.48	79.64 LT
A6	1135+50.07	99.02 LT
A7	1135+01.89	135.55 LT
A8	1134+73.81	202.16 LT
A9	1134+47.81	264.78 LT
A10	1134+23.29	308.75 LT
A11	1134+10.69	371.33 LT
A12	1134+06.57	430.33 LT
A13	1133+93.09	484.81 LT
B1	1136+29.52	56.19 RT
B2	1136+48.50	97.87 RT
B3	1136+59.61	122.39 RT
B4	1136+60.08	154.02 RT
B5	1136+83.37	222.64 RT
C1	1139+75.15	66.99 RT
C2	1139+56.81	103.26 RT
C3	1139+62.61	143.03 RT
C4	1139+57.47	194.00 RT
C5	1139+44.71	249.76 RT
D1	1139+75.55	21.24 RT
D2	1139+91.71	1.61 RT
D3	1140+31.99	1.74 RT
D4	1140+39.15	29.81 LT
D5	1140+17.07	37.56 LT
D6	1139+77.97	29.64 LT
D7	1139+52.02	23.69 LT
D8	1139+27.52	29.58 LT
D9	1138+97.68	6.86 LT
D10	1138+25.81	8.12 LT
D11	1137+83.33	43.61 LT
D12	1137+38.89	18.29 LT
D13	1137+20.65	54.45 LT
D14	1137+12.90	91.65 LT
D15	1137+11.19	117.59 LT
D16	1137+45.48	137.20 LT
D17	1137+33.39	164.66 LT
D18	1136+97.98	177.01 LT
D19	1136+57.19	172.89 LT
D20	1136+27.30	170.40 LT
D21	1135+74.00	193.27 LT
D22	1135+58.60	221.32 LT
D23	1135+55.78	249.18 LT
D24	1135+21.66	294.84 LT
D25	1134+94.44	321.35 LT
D26	1131+46.47	253.70 LT
D27	1135+00.64	434.10 LT

FOR PERMIT USE ONLY

REVISIONS	
DATE	DESCRIPTION

URS
URS Corporation Southern
1626 Summit Lake Drive,
Suite 200
Tallahassee, FL 32317-7840
C.A. No. 00000002
Clark L. Stephens, P.E. No. 54867

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION		
ROAD NO.	COUNTY	FINANCIAL PROJECT ID
SR 123	OKALOOSA	41103-2-52-01

WETLAND DELINEATION		SHEET NO.
		9