



Jonathan P. Steverson  
*Executive Director*

## Northwest Florida Water Management District

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Carr Building, Suite 225, 3800 Commonwealth Blvd., MS LS225,  
Tallahassee, Florida 32399  
(850) 921-2986 (Fax) 921-3082

November 20, 2014

Colby Cleveland  
Florida Department of Transportation  
1074 Highway 90  
Chipley, FL 32428

Re: Notice of Final Agency Action - Approval  
Individual Environmental Resource Permit  
Project Name: SR 77 from South of CR276 to I-10 Mod P1601.01  
Permit Number: 1601.02

Dear Colby Cleveland:

Enclosed is the approved Environmental Resource Permit authorized on November 20, 2014 by the Northwest Florida Water Management District for the above referenced application.

Please be sure to read the enclosed permit and all exhibits in their entirety, paying close attention to the permit conditions in Exhibit C that require you to perform maintenance activities on your stormwater system and to have inspections performed by a Registered Professional at specified times throughout the life of the stormwater system.

Please be advised that you are required to fully execute and submit the following documents:

- "Construction Commencement Notice" [Form 62-330.350(1)] - Submitted to the District no later than 48 hours prior to commencement of any part of the activity authorized by the enclosed permit.
- "As-Built Certification and Request for Conversion to Operational Phase" [Form 62-330.310(1)] Submitted to the District no later than 30 days after the activity has been completed

Copies of these and other ERP forms are available for download on the District website at [http://www.nwfwmd.state.fl.us/permits/erp/erp\\_downloads.htm#erp\\_forms](http://www.nwfwmd.state.fl.us/permits/erp/erp_downloads.htm#erp_forms).

Please be advised that the District has not published a notice in the newspaper of local circulation advising the public that a permit has been issued for this activity. Publication, using the District form, notifies the public of their rights to challenge the issuance of this permit. If proper notice is given by publication, third parties have a 21-day time limit to file a petition opposing the issuance of the permit. If you do not publish, a party's right to challenge the issuance of the permit may extend indefinitely. If you wish to have certainty that the period for filing such a challenge is closed, then you may publish, at your expense, such a notice in a newspaper of general circulation. A copy of the

GEORGE ROBERTS  
Chair  
Panama City

JERRY PATE  
Vice Chair  
Pensacola

JOHN ALTER  
Malone

GUS ANDREWS  
DeFuniak Springs

STEPHANIE BLOYD  
Panama City Beach

GARY CLARK  
Chipley

JON COSTELLO  
Tallahassee

NICK PATRONIS  
Panama City Beach

BO SPRING  
Port Saint Joe

Colby Cleveland  
November 20, 2014  
Page 2

form of the notice and a list of newspapers of general circulation is attached for your information. If you choose to publish such a notice, please submit a copy to the District for our records.

**The issuance of an Environmental Resource Permit for this activity does not eliminate the need to obtain all necessary permits or approvals from other agencies.**

Should you have any questions regarding your permit, its conditions, or additional forms or information you need to submit, please contact your permit reviewer, Cole Granger, at 850-921-2986, or by e-mail: Cole.Granger@nfwfmd.state.fl.us.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael Bateman", enclosed within a blue scribbled oval.

Michael Bateman  
Chief, Bureau of Management and Storage of Surface Waters

cc: Tracy Boutwell

Enc:

Environmental Resource Permit Number: 1601.02  
Construction Commencement Notice [Form 62-330.350(1)]  
As-Built Certification and Request for Conversion to Operational Phase [Form 62-330.310(1)]  
Notice of Rights  
Sample Newspaper Notice

**NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT  
INDIVIDUAL ENVIRONMENTAL RESOURCE PERMIT**

**PERMIT NUMBER:** 1601.02

**DATE ISSUED:** November 20, 2014

**PROJECT NAME:** SR 77 from South of CR276 to I-10 Mod P1601.01

**CONSTRUCTION PHASE EXPIRATION DATE:** November 20, 2019

**A PERMIT AUTHORIZING:**

A major modification to construction authorized under ERP Permit 1601.01 for the widening of a section of State Road 77 beginning just south of CR 276 (Clayton Road) and ending north of Blue Lake Road in Washington County. The modification includes additional impacts to wetlands and other surface waters for the construction of conveyance ditch with a pump station from Blue Lake, the installation of a 24-inch drainage pipe to discharge water from the lake into an un-named tributary within Basin 4 (which is proposed to eliminate the infrequent flooding that has previously occurred within the Blue Lake drainage basin), and a multi-use path from CR 77A to Blue Lake park. The location of the proposed modification will be on the southern side of Blue Lake, and within the proposed eastern right-of-way of the SR 77 roadway expansion. This modification authorizes 0.66 acres of additional wetland impacts for construction of the pump station and conveyance ditch. The previously permitted activities, wetland impacts, and surface water management systems continue to be authorized under this modification which includes impacts to wetlands and other surface waters and the construction of surface water management systems for the widening of a 3.5 mile segment of State Road 77. The roadway will be widened from a two-lane rural undivided roadway to a four-lane divided roadway with paved shoulders, right-of-way drainage conveyance, and the construction surface water management systems. The roadway will be divided into five drainage basins, the surface water management systems within these basins consisting of a dry pond with a side bank filter, three wet ponds and Blue Lake, which is an existing lake located within a closed basin. The stormwater for the widening project will be collected and conveyed by open ditches and piped systems to the stormwater management facilities. The stormwater management facilities will discharge via control structures, to several branches and tributaries of Holmes Creek, including Flat Creek, Jones Rice Mill Branch and Brock Mill Branch. This project with the modification authorizes impacts to wetlands and surface waters over an area of approximately 4.4 acres. A UMAM assessment of the forested wetland impact areas, conducted in accordance with 62-345 F.A.C., indicates a functional loss of 2.14 units. The permittee will mitigate for wetland impacts by purchasing 2.14 Freshwater Mixed Hardwood credits from Sand Hill Lakes Mitigation Bank (SHLMB). Mitigation credits have been reserved under 373.4137, F.S. The permittee will provide a ledger from the banker for SHLMB to verify that credit purchases have been completed in compliance with the mitigation conditions of this permit.

**LOCATION:**

City: Chipley

County: Washington

Address: SR 77 from south of CR 276 (Clayton Rd) to I-10

Section(s): 17

Township(s): 4N

Range(s): 13W

Latitude: 30° 44' 28" N

Longitude: 85° 33' 11" W

**ISSUED TO:**

Applicant

Florida Department of Transportation

1074 Highway 90

Chipley, FL 32428

Permittee agrees to hold and save the Northwest Florida Water Management District and its successors harmless from any and all damages, claims, or liabilities which may arise from permit issuance. Said application, including all plans and specifications attached thereto, is by reference made a part hereof.

This permit does not convey to any permittee any property rights nor any rights or privileges other than those specified herein, nor relieve the permittee from complying with any law, regulation or requirement affecting the rights of other bodies or agencies. All structures and works installed by permittee hereunder shall remain the property of the permittee.

This permit is issued pursuant to Part IV of Chapter 373, Florida Statute (F.S.), and Chapter 62-330, Florida Administrative Code, (F.A.C.), and may be revoked, modified or transferred at any time pursuant to the appropriate provisions of Chapter 373, Florida Statutes.

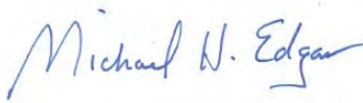
This permit also constitutes certification compliance with water quality standards under Section 401 of the Clean Water Act, 33 U.S. Code 1341.

**PERMIT IS CONDITIONED UPON:**

See conditions on attached "Exhibit A", dated November 20, 2014

See conditions on attached "Exhibit B", dated November 20, 2014

**AUTHORIZED BY:** Northwest Florida Water Management District  
Division of Resource Regulation

By:   
\_\_\_\_\_  
Michael Edgar, Director, Division of Resource Regulation

**Exhibit A**  
*Specific Conditions*

The following conditions are in addition to those listed in exhibit B, as provided for in subsection 62-330.350(2), Florida Administrative Code (F.A.C.).

General Specific Conditions

1. Once project construction has been deemed complete, including the re-stabilization of all side slopes, embankments, and other disturbed areas, and before the transfer to the Operation and Maintenance phase, all obsolete erosion control materials shall be removed.
2. Record-keeping. The permittee shall be responsible for keeping records documenting that relevant permit conditions are met. This documentation shall include, at a minimum, the date of each inspection, the name and qualifications of the inspector, any maintenance actions taken, and a determination by the inspector as to whether the system is operating as intended. Inspection documentation must be readily available and shall be provided at the District's request. Submittal of the inspection documentation to the District is not required.

General Environmental

3. The Permittee and its contractors shall adhere to the standard specifications for prevention, control and abatement of erosion and water pollution, as stated in the Florida Erosion and Sediment Control Designer and Reviewer Manual (FDOT and FDEP, 2007), and to any stricter standards required in this permit. The contractors shall be responsible for ensuring that turbidity/erosion control devices and procedures are inspected and maintained daily during all phases of construction authorized by this permit until all area that are disturbed during construction are sufficiently stabilized to prevent erosion, siltation, and turbid discharges.
4. Unauthorized impacts to wetlands as a result of the construction shall be reported immediately to the Northwest Florida Water Management District, 180 E. Redstone Ave., Crestview, FL, 32539, Phone No. (850) 683-5044. Corrective action shall be taken as soon as practicable to restore the impacted area.
5. This permit does not eliminate the necessity to obtain any required federal, state, local, and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the Permittee or create in the Permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the Permittee, or convey any rights or privileges other than those specified in the permit and Chapter 62.346, F.A.C.
6. If, during the progress of this project, prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures or early colonial or American settlement are encountered at any time within the project site area, the permitted project should cease all activities involving subsurface disturbance in the immediate vicinity of such discoveries. The Permittee, or other designee, shall contact the Florida Department of State, Division of Historical Resources, Review and Compliance Section at (850) 245-6333 or (800) 847-7278, or at <http://www.flheritage.com/preservation/>, as well as the appropriate permitting

### Exhibit A (cont'd)

agency office. Project activities should not resume without verbal and/or written authorization from the Division of Historical Resources. In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately and the proper authorities notified in accordance with Section Chapter 872.05, Florida Statutes.

7. Prior to construction, the limits of the proposed construction shall be demarcated (clearly flagged and/or staked): particularly in areas adjacent to remaining natural wetlands. All construction personnel shall be shown the location(s) of all wetland areas outside of the construction area so as to prevent encroachment from heavy equipment into these areas.
8. All storage or stockpiling of tools or materials (i.e. lumber, pilings, etc.) shall be limited to uplands or within the impact areas authorized by this project. In addition, all equipment being utilized shall be limited to operation and storage in uplands or within the impact areas authorized by this permit.

### Hydrodynamic Devices

9. Permittee shall perform quarterly field inspections and maintenance of each hydrodynamic system and maintain record-keeping in accordance with these conditions and any additional measures required by the Maintenance Plan developed by the Registered Professional.
10. The Aqua-Filter system shall be maintained as indicated herein:

Permittee shall perform quarterly water quality tests including an analysis of the total nitrogen and phosphorus concentrations and total suspended solids in the stormwater in the off-line diversion structure and immediately downstream of the Aqua-Filter system.

### Mitigation/Monitoring

11. Construction and operation is prohibited until the District has received proof of final purchase and sale of 2.14 credits for Freshwater Mixed Hardwood habitat from the Sand hill Lakes Mitigation bank. If for whatever reason, the proposed mitigation credit purchase cannot be completed, the applicant shall submit an application for a major modification to this permit to address impacts to wetlands and other surface waters for which no mitigation has been provided. This application shall be submitted to the appropriate Water Management District office. No construction of any type is permitted until all mitigation requirements have been met.
12. Within 30 days of the final sale of credits from the Sand Hill Lakes Mitigation Bank , the permittee shall provide written documentation to the Northwest Florida Water Management District, Carr Building, Suite 225, 3800 Commonwealth Blvd., MS LS225, Tallahassee, Florida, 32399 that the Banker has been provided with the information necessary to submit a ledger debit request to FDEP for the purchase of 2.14 mitigation credits from Bank Permit No. FDEP 0227351-001. The information provided to the Banker shall include but is not limited to the Environmental Resource Permit (ERP) number, issue date, permittee name, and reviewer contact information.

### Retention

**Exhibit A (cont'd)**

13. Grassed areas of the retention system shall be fertilized only as needed to maintain vegetation, and shall be mowed regularly in order to be kept at a manageable length as required for system functionality, maintenance, and safety.
14. Percolation performance shall be evaluated within the pond at least every third year. If there is evidence of inadequate percolation, the pond bottom must be re-scarified or deep-raked to restore percolation characteristics. If reworking the pond bottom fails to restore adequate percolation, additional retention area restoration shall be performed as follows:
  - a. Remove the top layer of the retention area bottom material to a depth of 2 to 3 inches and scarify or deep-rake the excavated bottom.
  - b. Replace excavated bottom material with suitably permeable material and restore the pond bottom to design grade.
15. Inspections by the Permittee.
  - The stormwater system shall be inspected periodically for accumulation of debris and trash. Accumulations of debris and trash that negatively affect the function of the system shall be removed upon discovery.
  - The stormwater system shall be inspected periodically for silt accumulation. Accumulations of silt that negatively affect the function of the system shall be removed.
  - The overflow weir and skimmer, if applicable, shall be inspected annually to confirm that it is free-flowing and clear of debris.
16. Inspections by a Registered Professional. The stormwater management system shall be inspected by a registered professional to evaluate whether the system is functioning as designed and permitted. Percolation performance should specifically be addressed. The Registered Professional may record his inspection on Form No 62-330.311(1), Operation and Maintenance Inspection Certification or may provide his evaluation in any other format; however any report must be signed and sealed by the Registered Professional. Submittal of the inspection report to the District is not required; but the report shall be made available to the District upon request. Inspections shall be made by the Registered Professional in accordance with this schedule:
  - On the first anniversary of the date of conversion to Operation and Maintenance Phase.
  - Every fifth year on the anniversary of conversion to Operation and Maintenance phase, after the first year of successful operation.
17. Reporting by a Registered Professional.

Within 30 days of any failure of a stormwater management system or deviation from the permit, a report shall be submitted to the District on Form 62-330.311(1), Operation and Maintenance Inspection Certification, describing the remedial actions taken to resolve the failure or deviation.

This report shall be signed and sealed by a Registered Professional.

### Exhibit A (cont'd)

18. The wet detention area shall be inspected periodically for debris and trash built up around the discharge structures. Accumulations of debris and trash that negatively affect the function of the system shall be removed upon discovery.
19. Inspections by a Registered Professional.  
The stormwater management system shall be inspected by a registered professional to evaluate whether the system is functioning as designed and permitted. The Registered Professional may record his inspection on Form No 62-330.311(1), Operation and Maintenance Inspection Certification or may provide his evaluation in any other format; however any report must be signed and sealed by the Registered Professional. Submittal of the inspection report to the District is not required; but the report shall be made available to the District upon request. Inspections shall be made by the Registered Professional in accordance with this schedule:
  - On the first anniversary of the date of conversion to Operation and Maintenance Phase.
  - Every fifth year on the anniversary of conversion to Operation and Maintenance phase, after the first year of successful operation.
20. Reporting by a Registered Professional. Within 30 days of any failure of the stormwater management system or deviation from the permit, a report shall be submitted to the District on Form 62-330.311(1), Operation and Maintenance Inspection Certification, describing the remedial actions taken to resolve the failure or deviation. This report shall be signed and sealed by a Registered Professional.

### Other Specific Conditions

21. The stormwater pump station shall have electrical connections for temporary or installed emergency power. Emergency power must be provided for an adequate period of time in order for the pump station to fulfill its intended function
22. Cleaning and inspections of pumps and floats shall be performed annually to assure proper performance.
23. Wet wells shall be pumped out and cleaned as needed to prevent solids and trash build-up. The wet well shall be inspected as least twice per year to determine if maintenance is warranted.
24. A notice shall be posted on the lift station panel, indicating:
  - a) The name and telephone number of the entity to contact in case of emergency; and
  - b) The name and telephone number of the maintenance company to call for pump-out in case of overflow.
25. The stormwater pump station shall be fenced or have a locked hatch, and a locked control panel
26. The maintenance entity shall make provisions for a service contract with a maintenance or septic tank company for system maintenance and emergency pump-out, if needed.



## Exhibit B

### *Conditions for Issuance of an Individual Permit (Rule 62-330.350, F.A.C.) (Rule Effective October 1, 2013)*

#### **62-330.350 General Conditions for Individual Permits.**

(1) The following general conditions are binding on all individual permits issued under this chapter, except where the conditions are not applicable to the authorized activity, or where the conditions must be modified to accommodate project-specific conditions.

(a) All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with Rule 62-330.315, F.A.C. Any deviations that are not so authorized may subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S.

(b) A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase, and shall be available for review at the work site upon request by the Agency staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.

(c) Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation June 2007), and the Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008), which are both incorporated by reference in subparagraph 62-330.050(9)(b)5, F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.

(d) At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the Agency a fully executed Form 62-330.350(1), "Construction Commencement Notice," [10-1-13], incorporated by reference herein (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02505>), indicating the expected start and completion dates. A copy of this form may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C. If available, an Agency website that fulfills this notification requirement may be used in lieu of the form.

(e) Unless the permit is transferred under Rule 62-330.340, F.A.C., or transferred to an operating entity under Rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms and conditions of the permit for the life of the project or activity.

(f) Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:

1. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex - "Construction Completion and Inspection Certification for Activities Associated With a Private Single-Family Dwelling Unit" [Form 62-330.310(3)]; or

2. For all other activities - "As-Built Certification and Request for Conversion to Operational Phase" [Form 62-330.310(1)].

3. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.

(g) If the final operation and maintenance entity is a third party:

1. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or

### **Exhibit B (cont'd)**

within 30 days of as-built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.3 of Volume I) as filed with the Department of State, Division of Corporations and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.

2. Within 30 days of submittal of the as-built certification, the permittee shall submit "Request for Transfer of Environmental Resource Permit to the Perpetual Operation Entity" [Form 62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.

(h) The permittee shall notify the Agency in writing of changes required by any other regulatory agency that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.

(i) This permit does not:

1. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;
2. Convey to the permittee or create in the permittee any interest in real property;
3. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
4. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.

(j) Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.

(k) The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.

(l) The permittee shall notify the Agency in writing:

1. Immediately if any previously submitted information is discovered to be inaccurate; and
2. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer of the permit in accordance with Rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.

(m) Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.

(n) If any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, work involving subsurface disturbance in the immediate vicinity of such discoveries shall cease. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section, at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Such subsurface work shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and notification shall be

**Exhibit B (cont'd)**

provided in accordance with Section 872.05, F.S.

(o) Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.

(p) The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other uplands in a manner that does not require a permit under Chapter 62-330, F.A.C., or cause violations of state water quality standards.

(q) This permit is issued based on the applicant's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the Agency will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.

(r) A Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with Rule 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.

(2) In addition to those general conditions in subsection (1) above, the Agency shall impose any additional project-specific special conditions necessary to assure the permitted activities will not be harmful to the water resources, as set forth in Rules 62-330.301 and 62-330.302, F.A.C., Volumes I and II, as applicable, and the rules incorporated by reference in this chapter.

Rulemaking Authority 373.026(7), 373.043, 373.4131, 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.116, 373.117, 373.409, 373.413, 373.4131, 373.4142, 373.4145, 373.416, 373.418, 373.419, 373.422, 373.423, 373.426, 373.428, 403.0877 FS. History-New 10-1-13.



# NOTICE OF RIGHTS



***The following information addresses procedures to be followed if you desire an administrative hearing or other review of agency action.***

## PETITION FOR FORMAL ADMINISTRATIVE PROCEEDINGS

Any person whose substantial interests are or may be affected by the action described in the enclosed Notice of Agency Action, may petition for an administrative hearing in accordance with the requirements of section 28-106.201, Florida Administrative Code, or may choose to pursue mediation as an alternative remedy under section 120.573, Florida Statutes, before the deadline for filing a petition. Pursuit of mediation will not adversely affect the right to administrative proceedings in the event mediation does not result in a settlement. Petitions for an administrative hearing must be filed with the Agency Clerk of the Northwest Florida Water Management District, 81 Water Management Drive, Havana, Florida 32333-9700 by the deadline specified in the attached cover letter. Failure to file a petition within this time period shall constitute a waiver of any rights such person may have to request an administrative determination (hearing) under section 120.57, Florida Statutes, concerning the subject permit application. Petitions which are not filed in accordance with the above provisions are subject to dismissal.

## DISTRICT COURT OF APPEAL

A party who is adversely affected by final agency action on the permit application and who has exhausted available administrative remedies is entitled to judicial review in the District Court of Appeal pursuant to section 120.68, Florida Statutes. Review under section 120.68, Florida Statutes, is initiated by filing a Notice of Appeal in the appropriate District Court of Appeal in accordance with Florida Rule of Appellate Procedure 9.110.

## **SECTION 28-106.201, FLORIDA ADMINISTRATIVE CODE, INITIATION OF PROCEEDINGS**

- (1) Unless otherwise provided by statute, and except for agency enforcement and disciplinary actions that shall be initiated under Rule 28-106.2015, F.A.C., initiation of proceedings shall be made by written petition to the agency responsible for rendering final agency action. The term "petition" includes any document that requests an evidentiary proceeding and asserts the existence of a disputed issue of material fact. Each petition shall be legible and on 8 1/2 by 11 inch white paper. Unless printed, the impression shall be on one side of the paper only and lines shall be double-spaced.
- (2) All petitions filed under these rules shall contain:
  - (a) The name and address of each agency affected and each agency's file or identification number, if known;
  - (b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
  - (c) A statement of when and how the petitioner received notice of the agency decision;
  - (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
  - (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;
  - (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
  - (g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.
- (3) Upon receipt of a petition involving disputed issues of material fact, the agency shall grant or deny the petition, and if granted shall, unless otherwise provided by law, refer the matter to the Division of Administrative Hearings with a request that an administrative law judge be assigned to conduct the hearing. The request shall be accompanied by a copy of the petition and a copy of the notice of agency action.

## NOTICING PUBLICATION INFORMATION

The District's action regarding the issuance or denial of a permit, a petition or qualification for an exemption only becomes closed to future legal challenges from members of the public ("third parties"), if 1) "third parties" have been properly notified of the District's action regarding the permit or exemption, and 2) no "third party" objects to the District's action within a specific period of time following the notification.

Notification of "third parties" is provided through publication of certain information in a newspaper of general circulation in the county where the proposed activities are to occur. Publication of notice informs "third parties" of their right to have a 21-day time limit in which to file a petition opposing the District's action. However, if no notice to "third parties" is published, there is no time limit to a party's right to challenge the District's action. The District has not published a notice to "third parties" that it has taken final action on your application. If you want to ensure that the period of time in which a petition opposing the District's action regarding your application is limited to the time frame state above, you may publish, at your own expense, a notice in a newspaper of general circulation. A copy of the Notice of Agency Action the District uses for publication is attached. You may use this format or create your own, as long as the essential information is included.

If you do decide to publish a Notice of Final Agency Action, please provide the District a copy of the Proof of Publication when you receive it. That will provide us notice that action on this permit application is closed after the 21 days following publication.

Notice to the Washington County News Legal Ads  
btaylor@chipleypaper.com Contact person: Brenda Taylor  
Please publish the following legal notice one time only on the earliest available date.  
This should be an in-column ad and not a display ad.  
Fax proof copy to Colby Cleveland at  
Contact me, Colby Cleveland, at 850-330-1538 for payment instructions.  
I will need a Proof of Publication.

Notice of Final Agency Action Taken by the  
Northwest Florida Water Management District

Notice is given that stormwater permit number 1601.02 was issued on November 20, 2014, to Florida Department of Transportation for the modification of permit #1601.01 to include the construction of a pump station for Blue Lake and a multi-use path from CR 77A to Blue Lake park. The addition of the multi-use path will not result in additional impacts to surface waters. The project is located at SR 77 from south of CR 276 (Clayton Road) to I-10, in Chipley, Washington County, Florida.

The file containing the application for this permit is available for inspection Monday through Friday (except for legal holidays), 8:00 a.m. to 5:00 p.m. at the Northwest Florida Water Management District's ERP Office, 180 E. Redstone Avenue, Crestview, FL 32539.

A person whose substantial interests are affected by the District permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57 F.S., or may choose to pursue mediation as an alternative remedy under Section 120.573, Florida Statutes, and Rules 28-106.111 and 28-106.401-404, Florida Administrative Code. Petitions must comply with the requirements of Florida Administrative Code, Chapter 28-106 and be filed with (received by) the District Clerk located at District Headquarters, 81 Water Management Drive, Havana, FL 32333-4712. Petitions for administrative hearing on the above application must be filed within twenty-one (21) days of publication of this notice or within twenty-six (26) days of the District depositing notice of this intent in the mail for those persons to whom the District mails actual notice. Failure to file a petition within this time period shall constitute a waiver of any right(s) such person(s) may have to request an administrative determination (hearing) under Sections 120.569 and 129.57, F.S., concerning the subject permit. Petitions which are not filed in accordance with the above provisions are subject to dismissal.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the District's final action may be different from the position taken by it in this notice of intent. Persons whose substantial interests will be affected by any such final decision of the District on the application have the right to petition to become a party to the proceedings, the accordance with the requirements set forth above.