

# FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

BOB MARTINEZ CENTER 2600 BLAIRSTONE ROAD TALLAHASSEE, FLORIDA 32399-2400 RICK SCOTT GOVERNOR

CARLOS LOPEZ-CANTERA LT. GOVERNOR

JONATHON P. STEVERSON SECRETARY

January 6, 2015

Northwest Florida Water Management District Brett J. Cyphers c/o David Clayton & Robert Lide via Email

# re. **Sand Hill Lakes Mitigation Bank** Permit # 227351(mod-015), Washington County

### Dear Mr. Cyphers:

Your request to debit the above-referenced permit's ledger has been received, reviewed and approved by Department staff. By copy of this letter and the attached ledger, we are notifying all necessary parties of the modification.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) in accordance with Section 120.57, Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000. Petitions filed by the permittee and the parties listed below must be filed within 21 days of receipt of this letter. Petitioner shall mail a copy of the petition to the permittee at the address indicated above at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under Section 120.57, F.S.

The Petition shall contain the following information:

- (a) The name, address, and telephone number of each petitioner, the permittee's name and address, the Department file number (193232-048) and the county in which the project is proposed;
- (b) A statement of how and when each petitioner received notice of the Department's action or proposed action;
- (c) A statement of how each petitioner's substantial interests are affected by the Department's action; or proposed action;
- (d) A statement of the material facts disputed by petitioner, if any;
- (e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action;
- (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and

(g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this letter. Persons whose substantial interests will be affected by any decision of the Department with regard to the permit have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-5.207, F.A.C.

This Notice constitutes final agency action unless a petition is filed in accordance with the above paragraphs or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition. Upon timely filing of a petition or a request for an extension of time this Notice will not be effective until further Order of the Department.

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

Sincerely,

Vicki Tauxe

Mining and Mitigation Program

Attachment: Ledger-electronic

### Sand Hill Lakes Mitigation Bank Ledger Permit No. 0227371 Modified January 6,2015

Freshwater Herbaceous Wetlands: Total Potential Credits = 29.2

Release Mod./	Permit	Issuing	Ledger	Credits	Credits		
Impact Permit	<u>Date</u>	<u>Agency</u>	<b>Modification</b>	<u>Added</u>	<u>Used</u>	<u>Balance</u>	<u>Notes</u>
initial release	n/a	DEP	05/23/06	7.30		7.30	QMS, preservation, financial
burn release	n/a	DEP	05/23/06	2.90		10.20	initial burn
03-0198390-002	09/23/02	DEP	03/04/08		1.68	8.52	DOT_Dist #3
03-0202923-001	12/20/02	DEP	03/04/08		1.33	7.19	DOT_Dist #3
03-0195655-001	08/02/02	DEP	03/04/08		3.44	3.75	DOT_Dist #3
03-0192214-002	04/26/02	DEP	03/04/08		0.52	3.23	DOT_Dist #3
SC10 release	n/a	DEP	03/06/08	2.90		6.13	community restoration
SC12 release	n/a	DEP	03/06/08	2.90		9.03	hydrology restoration
30-0294647-001	04/22/09	DEP	09/30/10		0.09	8.94	Adler
1st interim release	n/a	DEP	10/07/10	1.40		10.34	1st Interim
2nd interim release	n/a	DEP	05/20/13	1.50		11.84	2nd Interim
67-0320228-001-EI	09/05/13	DEP	09/13/13		0.80	11.04	FI Gas Transmission

Freshwater Flatwoods: Total Potential Credits = 123.1

Release Mod./	Permit	Issuing	Ledger	Credits	Credits		
Impact Permit	<u>Date</u>	<u>Agency</u>	<b>Modification</b>	<u>Added</u>	<u>Used</u>	<u>Balance</u>	<u>Notes</u>
initial release	n/a	DEP	05/23/06	30.80		30.80	QMS, preservation, financial
burn release	n/a	DEP	05/23/06	12.30		43.10	initial burn
03-0268000-001	03/16/07	DEP	03/04/08		16.10	27.00	DOT_Dist #3
03-0198390-002	09/23/02	DEP	03/04/08		4.33	22.67	DOT_Dist #3
03-0202923-001	12/20/02	DEP	03/04/08		3.42	19.25	DOT_Dist #3
03-0195655-001	08/02/02	DEP	03/04/08		9.19	10.06	DOT_Dist #3
03-0192214-002	04/26/02	DEP	03/04/08		1.38	8.68	DOT_Dist #3
SC10 release	n/a	DEP	03/06/08	12.30		20.98	community restoration
SC12 release	n/a	DEP	03/06/08	12.30		33.28	hydrology restoration
1st interim release	n/a	DEP	10/07/10	6.20		39.48	1st Interim
2nd interim release	n/a	DEP	05/20/13	6.10		45.58	2nd Interim

### Sand Hill Lakes Mitigation Bank Ledger Permit No. 0227371 Modified January 6,2015

Freshwater Mixed Hardwoods: Total Potential Credits = 146.1

Release Mod./	Permit	Issuing	Ledger	Credits	Credits		
Impact Permit	<u>Date</u>	<u>Agency</u>	<b>Modification</b>	<u>Added</u>	<u>Used</u>	<u>Balance</u>	<u>Notes</u>
initial release	n/a	DEP	05/23/06	36.50		36.50	QMS, preservation, financial
burn release	n/a	DEP	05/23/06	14.60		51.10	initial burn
03-0268000-001	03/16/07	DEP	03/04/08		2.25	48.85	DOT_Dist #3
03-0198390-002	09/23/02	DEP	03/04/08		8.08	40.77	DOT_Dist #3
03-0202923-001	12/20/02	DEP	03/04/08		6.38	34.39	DOT_Dist #3
03-0195655-001	08/02/02	DEP	03/04/08		16.37	18.02	DOT_Dist #3
03-0192214-002	04/26/02	DEP	03/04/08		2.46	15.56	DOT_Dist #3
SC10 release	n/a	DEP	03/06/08	14.60		30.16	community restoration
SC12 release	n/a	DEP	03/06/08	14.60		44.76	hydrology restoration
30-168551-009	10/14/09	DEP	01/22/10		1.65	43.11	Tri-county airport
67-0286499-001	08/11/08	DEP	09/30/10		1.09	42.02	State Rd 79
67-0278545-001	03/13/09	DEP	09/30/10		7.60	34.42	State Rd 79
1st interim release	n/a	DEP	10/07/10	7.30		41.72	1st Interim
03-0308145-001	12/01/11	DEP	12/05/11		0.18	41.54	TECO Gas Pressure Reducing
1284	03/05/12	NWFWMD	08/14/12		1.07	40.47	DOT Ponce de Leon Access Rd
1238.01	06/06/13	NWFWMD	10/01/12		0.94	39.53	SR 79 Multi-Lane Mod to P#1238
1420	110/26/12	NWFWMD	03/08/13		2.00	37.53	DOT-SR79 at CypressCk
2nd interim release	n/a	DEP	05/20/13	7.30		44.83	2nd Interim
1480	04/26/13	NWFWMD	07/18/13		0.15	44.68	Teramore-Dollar General
1270.01	11/08/12	NWFWMD	02/03/14		0.31	44.37	FDOT River Rd-GumCk
1559	03/27/14	NWFWMD	05/14/14		0.09	44.28	Concept Develmt -retail
1601.02	11/20/14	NWFWMD	01/06/15		2.14	42.14	FDOT- hwy 77ClaytonRd to I-10



Brett J. Cyphers Executive Director

### Northwest Florida Water Management District

81 Water Management Drive, Havana, Florida 32333-4712 (U.S. Highway 90, 10 miles west of Tallahassee)

Phone: (850) 539-5999 • Fax: (850) 539-2777

January 5, 2015

Vicki Tauxe DEP-OSLER-MS 2500 2600 Blair Stone Road Tallahassee, FL 32399-2400

Sand Hill Lakes Mitigation Bank (FDEP Permit 0227351-001) Request for SUBJECT:

Withdrawal of Mitigation Credits

Dear Ms. Tauxe.

The Sand Hill Lakes Mitigation Bank (FDEP Permit 0227351-001) has a current state Credit Ledger balance of 100.90 UMAM Credits (11.04 Freshwater Herbaceous, 45.58 Freshwater Forested Flatwoods, and 44.28 Freshwater Mixed Hardwoods).

This letter is a request for withdrawal of 2.14 Freshwater Mixed Hardwoods UMAM credits from the state Credit Ledger to satisfy the mitigation requirements of NWFWMD ERP Permit #1601.02 (Cole Granger, permit reviewer), issued 11/20/2014 to the Florida Department of Transportation.

This request is made under the provision of Specific Condition No. 20 of our approved Mitigation Bank Permit. A draft Credit Ledger Update reflecting the requested withdrawal transaction and the pertinent sections of the ERP permit are attached.

We appreciate your consideration of this credit withdrawal request. If you have any questions about this request, please contact Paul Thorpe at (850) 539-5999.

Respectfully.

Brett J. Cyphers **Executive Director** 

**Enclosures** 

GEORGE ROBERTS Chair Panama City

GARY CLARK

Chipley

JERRY PATE Vice Chair Pensacola

JON COSTELLO Tallahassee

JOHN ALTER Malone

Defuniak Springs

NICK PATRONIS Panama City Beach

BO SPRING Port Saint Joe

**GUS ANDREWS** 

## 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:**

<u>Applicant</u>

Florida Department of Transportation 1074 Highway 90 Chipley, FL 32428