

# Florida Department of Environmental Protection

Northwest District Branch Office  
2353 Jenks Avenue  
Panama City, Florida 32405-4389

Charlie Crist  
Governor

Jeff Labadie  
Secretary

John H. Harland  
Director

RECEIVED

MAR 13 2007

Environmental Management

## CERTIFIED - RETURN RECEIPT REQUESTED

March 16, 2007

Florida Department of Transportation - District 3 - c/o Joy Giddens  
1074 Highway 90  
Chipley, FL 32428

Dear Mrs. Giddens:

Enclosed is a Wetland Resource Permit and Sovereign Submerged Lands Authorization, Permit/ Authorization No. 03-0268000-001-DF, issued pursuant to Part IV of Chapter 373, Florida Statutes, and Title 62, Florida Administrative Code,

Appeal rights for you as the permittee and for any affected third party are described in the text of the permit along with conditions, which must be met when permitted activities are undertaken. Please review this document carefully to ensure compliance with both the general and specific conditions contained herein. If you have any questions about this document, please contact me at (850) 872-4375 ext. 116.

Sincerely,

Michael A. Mathews  
Environmental Supervisor  
Submerged Lands and  
Environmental Resources Program  
Panama City Branch Office

**CONSOLIDATED WETLAND RESOURCE PERMIT AND SOVEREIGN  
SUBMERGED LANDS AUTHORIZATION**

**PERMITTEE/AUTHORIZED ENTITY:**

Florida Department of Transportation –  
District 3 – c/o Joy Giddens  
1074 Highway 90  
Chipley, FL 32428

Permit/ Authorization Number:  
03-0268000-001-DF  
Date of Issue: March 16, 2007  
Expiration Date: March 16, 2012  
Construction Phase:

County: Bay/Washington  
Project: Wetland Fill/ Road Widening

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This permit is issued under the authority of Part IV of Chapter 373, F.S., and Title 62, Florida Administrative Code (F.A.C.). The activity is not exempt from the requirement to obtain a Consolidated Wetland Resource Permit. The Department is responsible for reviewing and taking final agency action on this activity.

This permit also constitutes a finding of consistency with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Management Act.

This activity also requires a proprietary authorization, as the activity is located on sovereign submerged lands owned by the Board of Trustees of the Internal Improvement Trust Fund, pursuant to Article X, Section 11 of the Florida Constitution, and sections 253.002 and 253.77, F.S. The activity is not exempt from the need to obtain a proprietary authorization. The Department has the responsibility to review and take final action on this request for proprietary authorization in accordance with section 18-21.0051, F.A.C. In addition to the above, this proprietary authorization has been reviewed in accordance with Chapter 253, F.S., Chapter 18-21, F.A.C., section 62-312.065, F.A.C.

As staff to the Board of Trustees, the Department has reviewed the activity described above and has determined that the activity qualifies for a one year consent to use

sovereign submerged lands upon issuance of this permit, as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein. Therefore, consent is hereby granted for one year, pursuant to 18-21.005(1)(c)(14) Florida Administrative Code, to perform the activity on the specified sovereign submerged lands with the understanding that the activity shall require the applicable form of authorization as specified in 18-21 F.A.C. within one year of issuance of this consent to use.

This permit constitutes a determination, pursuant to section 380.0651(3)(e), F.S., that the facility is located so that it will not adversely impact Outstanding Florida Waters or Class II waters.

A copy of this authorization also has been sent to the U.S. Army Corps of Engineers (USACOE) for review. The USACOE may require a separate permit. Failure to obtain this authorization prior to construction could subject you to enforcement action by that agency. You are hereby advised that authorizations also may be required by other federal, state, and local entities. This authorization does not relieve you from the requirements to obtain all other required permits and authorizations.

The above named permittee is hereby authorized to construct the work shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the Department and made a part hereof. **This permit and authorization to use sovereign submerged lands is subject to the limits, conditions, and locations of work shown in the attached drawings, and is also subject to the attached 15 General Conditions and 15 Specific Conditions, which are a binding part of this permit and authorization.** You are advised to read and understand these drawings and conditions prior to commencing the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings. If you are utilizing a contractor, the contractor also should read and understand these drawings and conditions prior to commencing the authorized activities. Failure to comply with all drawings and conditions shall constitute grounds for revocation of the permit and appropriate enforcement action.

#### ACTIVITY DESCRIPTION:

The roadway project will be located along 9.75-miles of SR 79 from Steelfield Road (south) to SR 20 (north). The project proposes to impact 40.74 acres of wetlands to widen the existing SR 79 from two lanes to four lanes in Bay and Washington Counties, Florida.

#### **ACTIVITY LOCATION:**

The project is located at SR 79 from Steelfield Road to SR 20, Pine Log, FL, Class III Waters, Section 29, Township 01 South, Range 16 West (Center of Project), Latitude: N 30°23'13.24" / Longitude: W -85°52'15.84", Bay and Washington County, Florida.

#### **GENERAL CONDITIONS:**

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit, are "permit conditions" and are binding and enforceable pursuant to sections 403.141, 403.727, or 403.859 through 403.861, F.S. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
3. As provided in subsections 403.087(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in this permit.
4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.
5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.
6. The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the permittee to achieve compliance with the conditions of this permit, are required by Department rules. This provision includes the operation of backup or auxiliary

facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.

7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located or conducted to:

- a. Have access to and copy any records that must be kept under conditions of the permit;
- b. Inspect the facility, equipment, practices, or operations regulated or required under this permit; and
- c. Sample or monitor any substances or parameters at any location reasonable necessary to assure compliance with this permit or Department rules.

Reasonable time may depend on the nature of the concern being investigated.

8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:

- a. A description of and cause of noncompliance; and
- b. The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.

9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is prescribed by sections 403.111 and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

10. The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the permittee does

not waive any other rights granted by Florida Statutes or Department rules. A reasonable time for compliance with a new or amended surface water quality standard, other than those standards addressed in rule 62-302.500, F.A.C., shall include a reasonable time to obtain or be denied a mixing zone for the new or amended standard.

11. This permit is transferable only upon Department approval in accordance with rules 62-4.120 and 62-730.300, F.A.C., as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.

12. This permit or a copy thereof shall be kept at the work site of the permitted activity.

13. This permit also constitutes Certification of Compliance with State Water Quality Standards (Section 401, PL 92-500).

14. The permittee shall comply with the following:

- a. Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.
- b. The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.
- c. Records of monitoring information shall include:
  1. the date, exact place, and time of sampling or measurements;
  2. the person responsible for performing the sampling or measurements;
  3. the dates analyses were performed;
  4. the person responsible for performing the analyses;
  5. the analytical techniques or methods used; and

6. the results of such analyses.

15. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware the relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.

**SPECIFIC CONDITIONS:**

1. If the approved permit drawings conflict with the specific conditions, then the specific conditions shall prevail.

2. 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, as well as the appropriate permitting 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.

3. At least 48 hours and no more than one week prior to commencement of work authorized by this permit, the permittee shall notify the Department of Environmental Protection, Submerged Lands & Environmental Resources Program, Compliance and Enforcement Section, Panama City Branch Office, 2353 Jenks Avenue, Panama City, Florida 32405, in writing. The Department telephone number for reporting problems, malfunctions or exceedances under this permit is (850) 872-4375 during normal working hours.

4. All wetland areas or water bodies that are outside the specific limits of construction authorized by this permit must be protected from erosion, siltation, scouring and/or dewatering. Turbidity barriers shall be installed prior to any excavation or placement of fill material and shall be maintained in effective condition at all locations until construction is completed and disturbed areas are stabilized. Thereafter, the permittee must remove the barriers. At no time shall there be any discharge in violation of the water quality standards in Chapter 62-302, Florida Administrative Code.

Turbidity/erosion controls shall be installed prior to any clearing, excavation or placement of fill material and shall be maintained in an effective condition at all locations until construction is completed, disturbed areas are stabilized, and turbidity levels have fallen to less than 29 NTU's above background. The permittee shall be responsible for ensuring that erosion control devices/procedures are inspected/maintained daily during all phases of construction authorized by this permit. Once these conditions are met, the turbidity and erosion control devices shall be removed within 14 days. Staked filter cloth shall be positioned at the edge of the permitted fill slopes where they are adjacent to wetlands in order to prevent turbid run-off and erosion.

5. 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.

6. In accordance with Rule 62-312.020 (16), Florida Administrative Code, (as adopted in 62-330.100(1)) "riprap" shall consist of unconsolidated boulders, rocks, or clean concrete rubble with no exposed reinforcing rods or similar protrusions. The riprap shall be free of sediment, debris and any toxic or otherwise deleterious substance. The riprap shall have at least a six inch diameter.

7. Construction activity shall be confined to the authorized impact areas only. Any unauthorized impacts to adjacent wetlands as a result of construction activities shall be reported by the permittee and its consultants/contractors to the Compliance and Enforcement Section of the Submerged Lands and Environmental Resource Program at (850) 872-4375, within 48 hours of discovering the unauthorized impact.

8. Dredging within Waters of the State for the purpose of providing backfill is specifically prohibited.

9. This permit shall be readily available at the project site to any duly authorized representative of the Department, the U.S. Army Corps of Engineers, or any empowered law enforcement officer. A copy of this permit and associated drawings shall be clearly posted and remain on site at all times during the activities.

10. In addition to a consolidated wetland resource permit you are required to obtain a stormwater treatment permit from the Department for the project site.

11. All cleared vegetation, excess lumber, scrap wood, trash, garbage, and any other type of debris shall be removed from the wetlands/waters of the state within 14 days of completion of the work authorized in this permit.



12. The terms, conditions, and provisions of the required easement shall be met. Construction of this activity shall not commence on sovereign submerged lands, title to which is held by the Board of Trustees of the Internal Improvement Trust Fund, until all required easement documents have been executed to the satisfaction of the Department.

13. This permit shall be readily available at the project site to any duly authorized representative of the Department, the U.S. Army Corps of Engineers, or any empowered law enforcement officer. A copy of this permit and associated drawings shall be clearly posted and remain on site at all times during the activities.

14. Prior to construction, the limits of the proposed impact area shall be clearly flagged and staked by the agent and/or the contractor in the beginning phase of construction. All construction personnel shall be shown the location(s) of all wetland areas outside of the construction area to prevent encroachment from heavy equipment into these areas.

**Mitigation Conditions:**

15. Mitigation shall be associated with the Regional Mitigation Plan pursuant to OGC #99-1877 and Senate Bill 1986 (Chapter 373.4137, F.S.).

**RIGHTS OF AFFECTED PARTIES:**

This permit and the one year consent to use sovereign submerged lands, in pursuant to 18-21.005(1)(c)(14) Florida Administrative Code, to perform the activity on the specified sovereign submerged lands with the understanding that the activity shall require the applicable form of authorization as specified in 18-21 F.A.C. within one year of issuance of this consent to use, are hereby granted. This action is final and effective on the date filed with the Clerk of the Department unless a sufficient petition for an administrative hearing is timely filed under sections 120.569 and 120.57 of the Florida Statutes as provided below. If a sufficient petition for an administrative hearing is timely filed, this action automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Therefore, on the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department.

Mediation is not available.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and

must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Under rule 62-110.106(4) of the Florida Administrative Code, a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

If a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Intervention will be permitted only at the discretion of the presiding officer upon the filing of a motion in compliance with rule 28-106.205 of the Florida Administrative Code.

In accordance with rules 28-106.111(2) and 62-110.106(3)(a)(4), petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Under section 120.60(3) of the Florida Statutes, however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57 of the Florida Statutes.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

(a) The name and address of each agency affected and each agency's file or identification number, if known;

(b) The name, address, and telephone number of the petitioner; 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 are or 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 that the petitioner contends warrant reversal or modification of the agency's proposed action;

(f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action; and

(g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by rule 28-106.301.

Under sections 120.569(2)(c) and (d) of the Florida Statutes, a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This permit constitutes an order of the Department. Subject to the provisions of paragraph 120.68(7)(a) of the Florida Statutes, which may require a remand for an administrative hearing, the applicant has the right to seek judicial review of the order under section 120.68 of the Florida Statutes, by the filing of a notice of appeal under rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida, 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the order is filed with the Clerk of the Department. The applicant, or any party within the meaning of section 373.114(1)(a) or 373.4275 of the Florida Statutes, may also seek appellate review of the order before the Land and Water Adjudicatory Commission under section 373.114(1) or 373.4275 of the Florida Statutes. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when the order is filed with the Clerk of the Department.

Executed in Bay County Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

*Marlane Castellanos*

Marlane Castellanos  
Branch Manager

Encl: Vicinity map  
Permit Drawings  
General Consent Conditions

cc: U.S. Army Corps of Engineers  
HDR Engineering, Inc. - Agent

**CERTIFICATE OF SERVICE**

The undersigned duly designated deputy clerk hereby certifies that this permit and authorization to use sovereign submerged lands, including all copies were mailed before the close of business on March 16, 2007 to the above listed persons.

**FILING AND ACKNOWLEDGMENT**

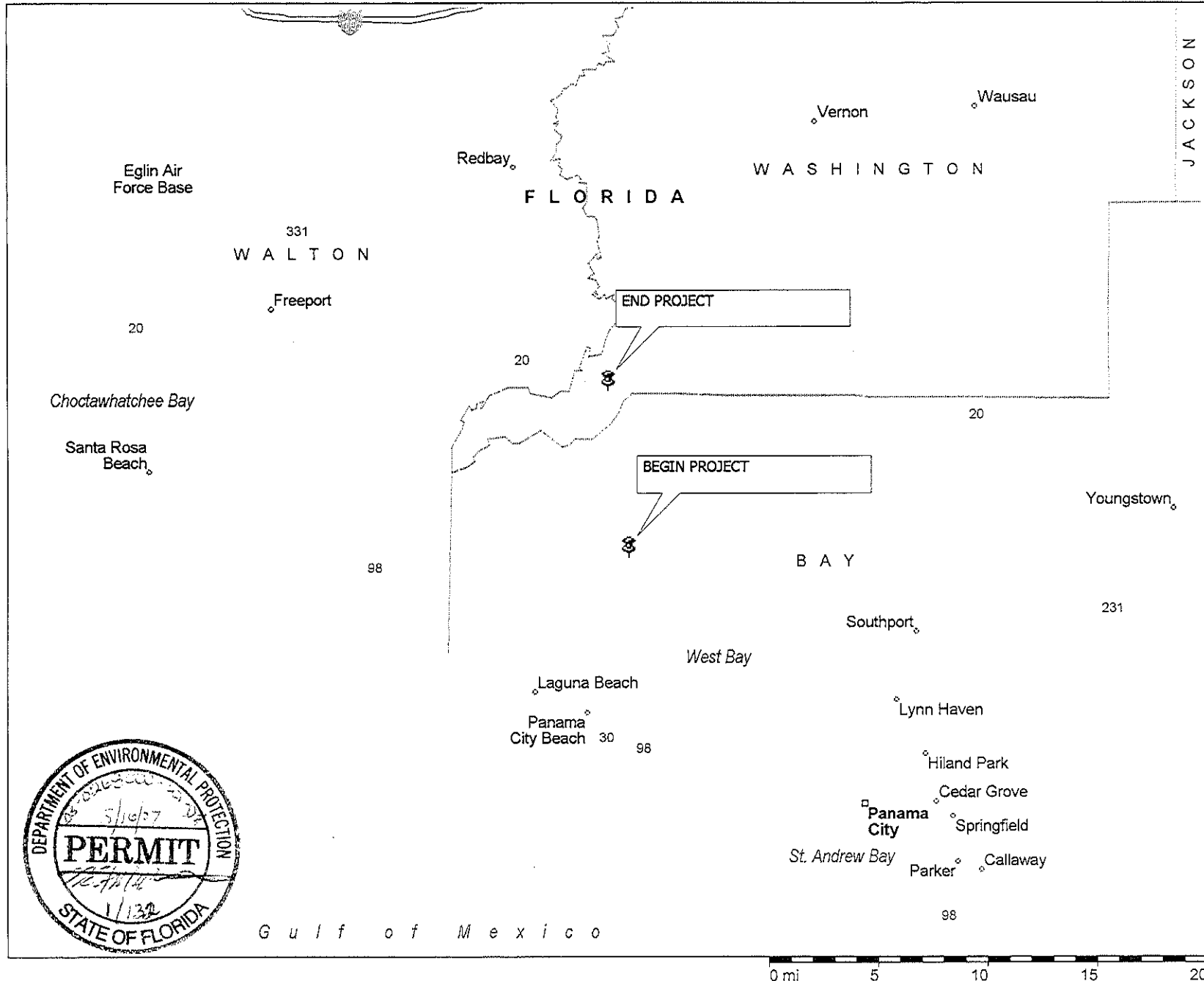
FILED, on this date, pursuant to 120.52(9),  
Florida Statutes, with the designated Department Clerk,  
receipt of which is hereby acknowledged.

Clerk	Date
<u>Penelope K. Higgins</u>	<u>March 16, 2007</u>

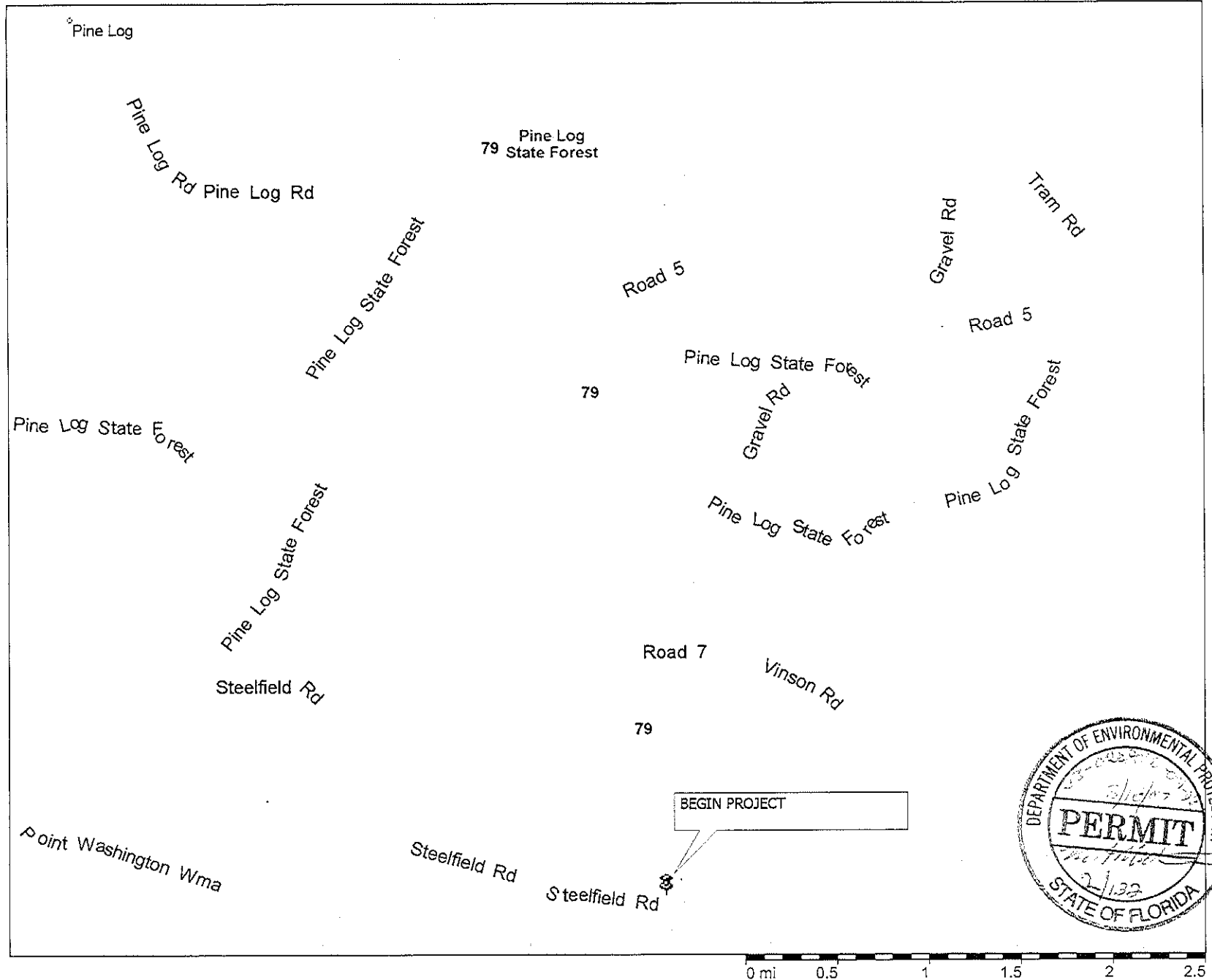
Prepared By: Michael Mathews

134 pages attached

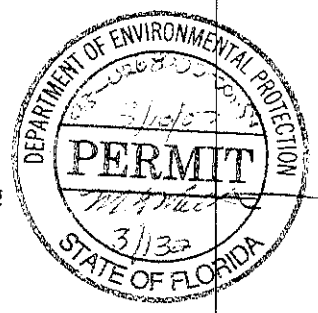
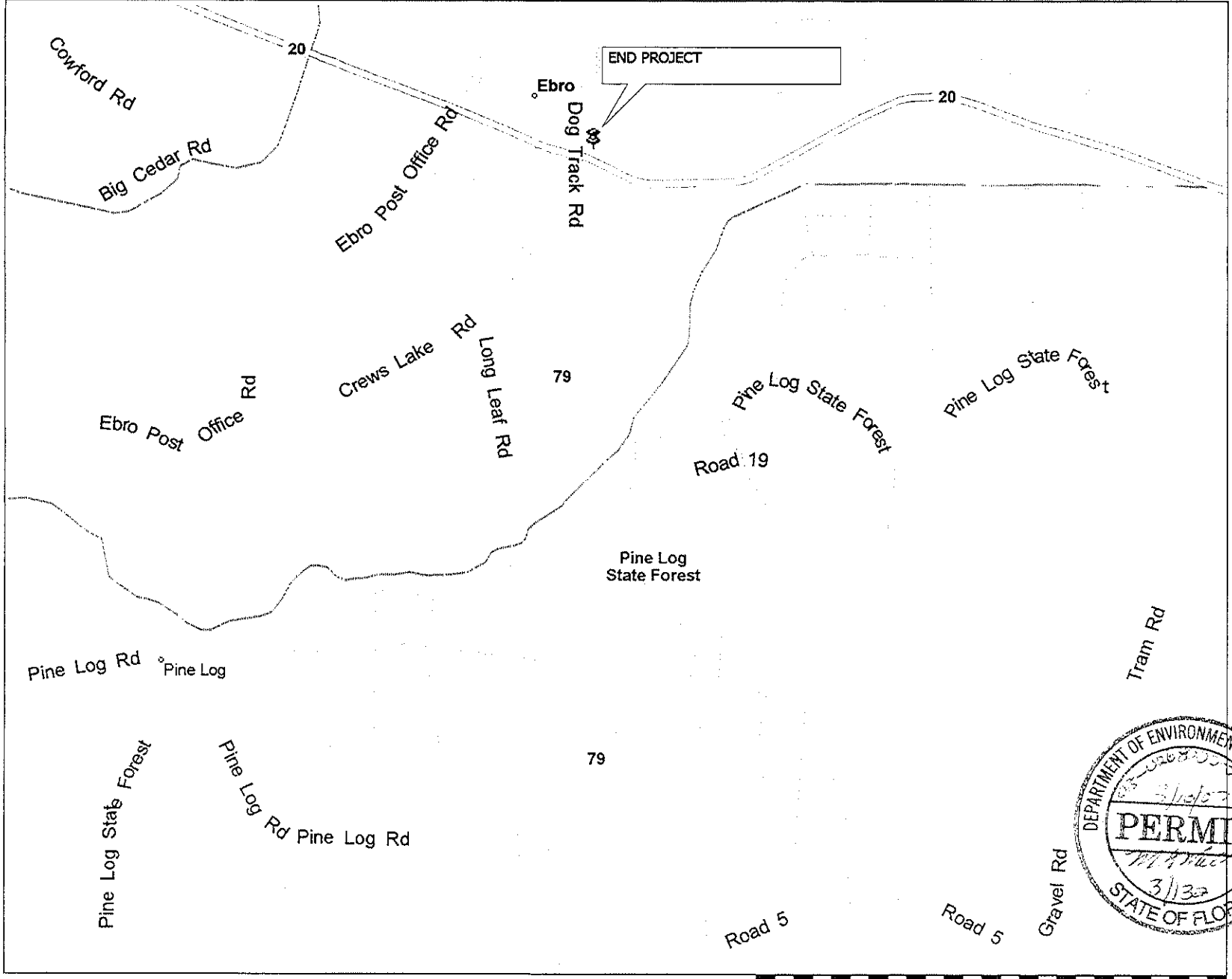
# Ebro area, Florida, United States



# Panama City area, Florida, United States



# Pine Log, Florida, United States





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CHECKED BY \_\_\_\_\_  
DATE \_\_\_\_\_

DISTRICT NO. \_\_\_\_\_  
NO. \_\_\_\_\_

DATE \_\_\_\_\_

**BASKERVILLE, DONOVAN, INC.**  
Environmental Engineers

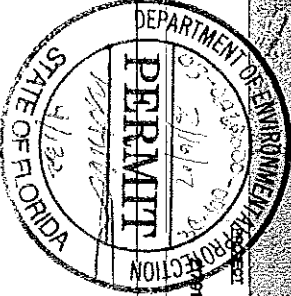
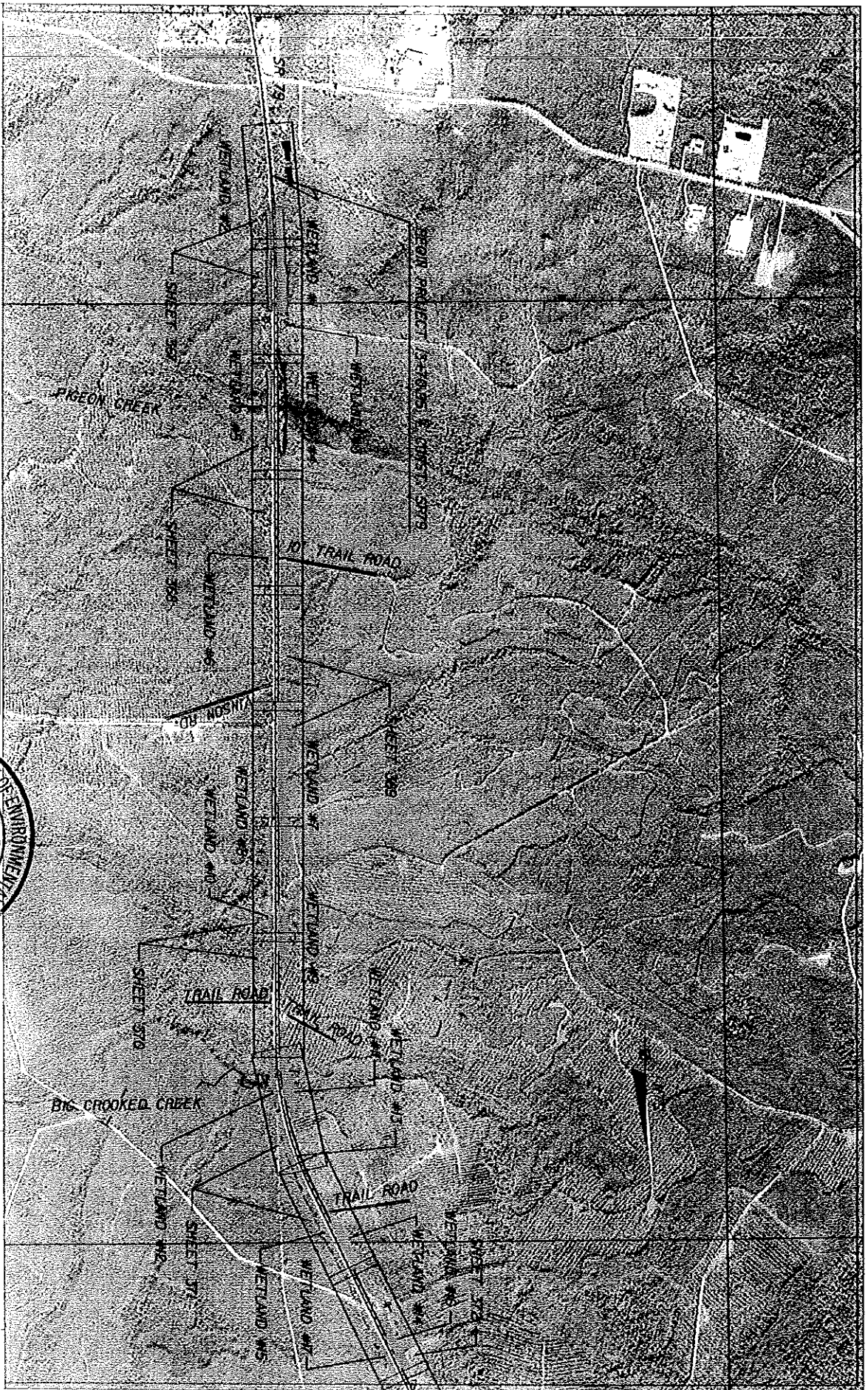
**SHEET TITLE**  
OVERVIEW OF  
WETLAND IMPACTS

SHEET NO. \_\_\_\_\_ OF \_\_\_\_\_

SR 78  
PERMITS 9114-SR-01 AND 27871-0-SR-01

DATE \_\_\_\_\_

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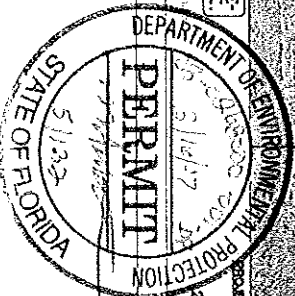
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BASKERVILLE  
DONOVAN, INC.



SR 79  
27811-6-52-01 AND 27811-8-52-01

SHEET TITLE  
OVERVIEW OF  
WETLAND IMPACTS

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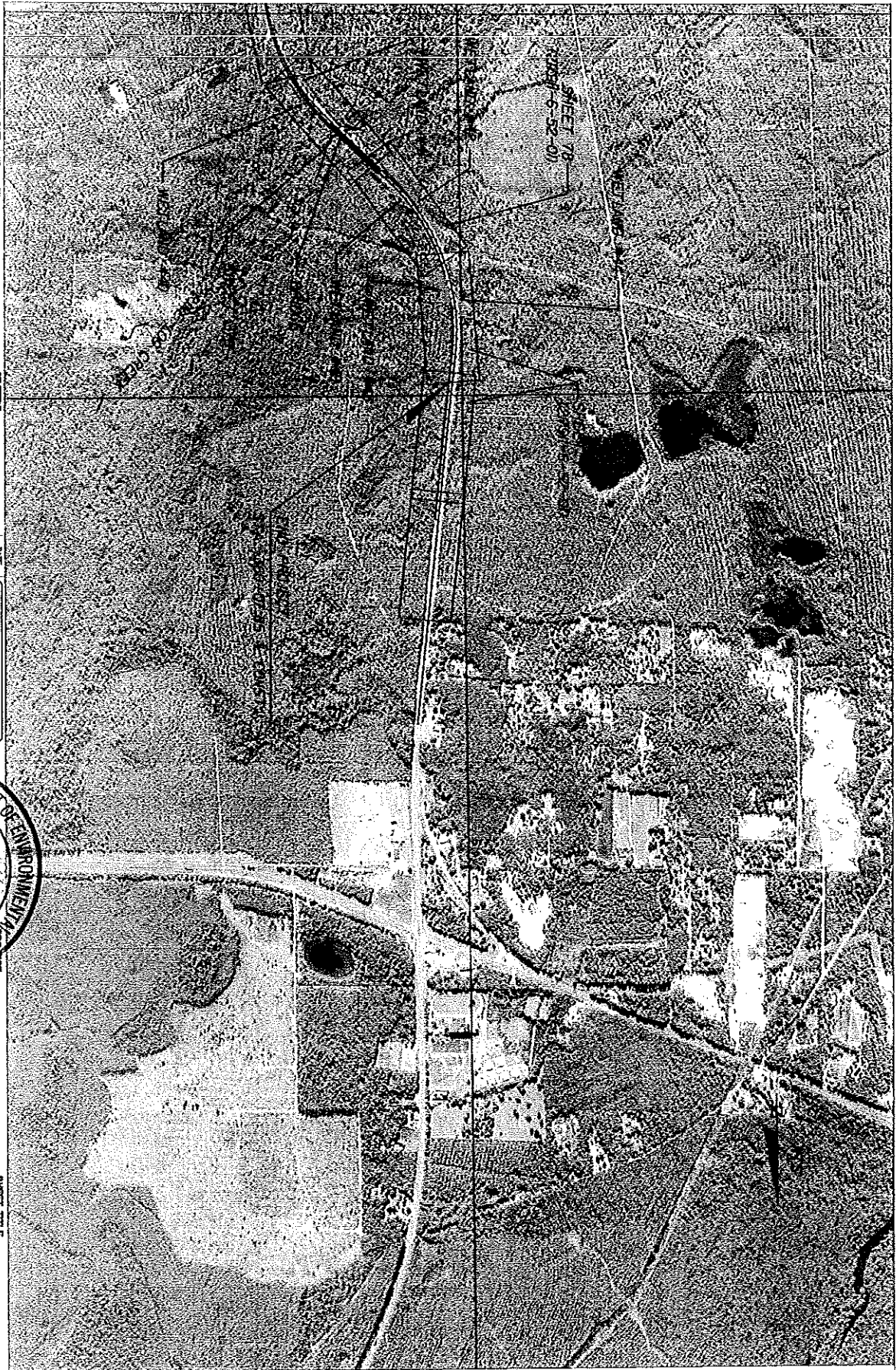
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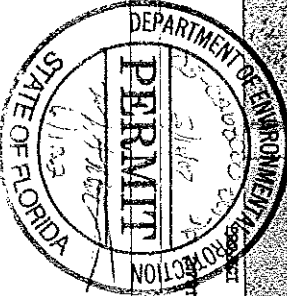
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SHEET 78  
(01-6-52-01)

BASKERVILLE  
BOROVAN, INC.



SR 78  
27871-9-52-01 AND 27871-9-52-01

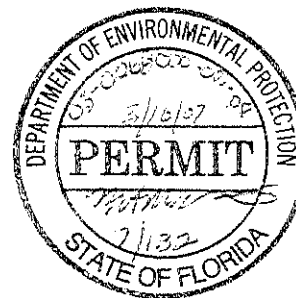
WETLAND IMPACTS

SHEET 9 OF 3

WETLAND IMPACT TABULATIONS FOR S.R. 79 FPID#217911-6-52-01  
 BY FILL/EXCAVATION QUANTITY

<u>STATION OF CROSS SECTION</u>	<u>AREA FILL(SF)</u>	<u>AREA EXC.(SF)</u>	<u>VOLUME FILL(CY)</u>	<u>VOLUME EXC.(CY)</u>
330+57.00	1238.0	0.0		
331+00.00	895.5	0.0	5096.7	0.0
332+00.00	854.0	0.0	9719.4	0.0
333+00.00	751.8	0.0	8921.1	0.0
334+00.00	675.6	0.0	7930.0	0.0
335+00.00	666.2	0.0	7454.4	0.0
336+00.00	700.8	0.0	7594.4	0.0
337+00.00	629.1	0.0	7388.3	0.0
338+00.00	563.8	0.0	6627.2	0.0
339+00.00	484.8	0.0	5825.6	0.0
340+00.00	427.3	0.0	5067.2	0.0
341+00.00	213.2	0.0	3558.3	0.0
342+00.00	150.2	0.0	2018.9	0.0
343+00.00	5.4	133.4	864.4	741.1
344+00.00	6.8	0.0	67.8	741.1
345+00.00	0.0	3.9	37.8	21.7
348+00.00	11.1	20.2	37.0	80.3
349+00.00	104.4	0.0	641.7	112.2
350+00.00	351.1	0.0	2530.6	0.0
351+00.00	39.5	349.7	2170.0	1942.8
352+00.00	48.0	0.0	923.6	3691.3
TOTALS FOR PROJECT			84474.5 CY	7330.5 CY

Not For Construction



RECEIVED  
 JUN 28 2006  
 NORTHWEST FLORIDA  
 DEP