

Florida Department of Environmental Protection

Northwest District, Panama City Branch Office 2353 Jenks Avenue Panama City, Florida 32405 Charlie Crist Governor

Jeff Kottkamp Lt. Governor

Michael W. Sole Secretary

WETLAND RESOURCE PERMIT

PERMITTEE/AUTHORIZED ENTITY:

Florida Department of Transportation, District Three Office Attn Joy Giddens 1074 Hwy 90 Chipley FL, 32428 Permit/Authorization Number: 67-0278545-001-DF Date of Issue: March 13, 2009 Expiration Date: March 13, 2014 County: Washington Project: Road widening

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 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.

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 is subject to the limits, conditions, and locations of work shown in the attached drawings, and is also subject to the enclosed 15 General Conditions and 15 Specific Conditions, which are a binding part of this permit. 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.

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ACTIVITY DESCRIPTION:

The applicant, Florida Department of Transportation, District Three Office, applied on June 12, 2007, to the Department of Environmental Protection for a permit/water quality certification to impact 7.58 acres of jurisdictional wetlands and the temporary impact of 1.24 acres of jurisdictional wetlands for the widening of a two lane highway to four lanes with paved shoulders, reshaping side slopes, replacing box culverts with a bridge, extending cross drains, constructing stormwater ponds, and drainage conveyances, along existing SR 79.

ACTIVITY LOCATION:

The activity is located on SR 79 from 0.75 mile south of Reedy Creek to 0.25 mile south of Potters Spring Rd., Class III Waters of the State, Latitude: 30°31'30.11", Longitude 85°50'22.66", Section3,4 Township 1,2 North, Range 16 West, 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 File Name: FDOT SR79 Multi-Laning File No.: 67-0278545-001-DF Page 3 of 8

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

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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.

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SPECIFIC CONDITIONS:

1. 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. The permittee shall contact Sherry Anderson at 850-245-6432 for work that relates to the *Ebro Cemetery* prior to initiating any project related land clearing or ground disturbing activities related to the *Ebro Cemetery*.

2. At least 48 hours 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, Suite 202, Northwest District Office, 160 Governmental Center, Pensacola, Florida 32501-5794, in writing. The Department telephone number for reporting problems, malfunctions or exceedances under this permit is (850) 595-8300 during normal working hours.

3. Best management practices for erosion control shall be implemented and maintained at all times during construction to prevent siltation and turbid discharges in excess of State water quality standards pursuant to Rule 62-302, F.A.C. Methods shall include, but are not limited to the use of staked hay bales, staked filter cloth, sodding, seeding, and mulching; staged construction; and the installation of turbidity screens around the immediate project site.

The permittee shall be responsible for ensuring that erosion control devices/procedures are inspected and maintained daily during all phases of construction authorized by this permit until all areas that were disturbed during construction are sufficiently stabilized to prevent erosion, siltation, and turbid discharges.

The following measures shall be taken by the permittee whenever turbidity levels, within waters of the State, exceed 29 nephelopmetric turbidity units (NTUs) above background level:

- a. Immediately cease all work contributing to the water quality violation.
- b. Stabilize all exposed soils contributing to the water quality violation, modify the work procedures that were responsible for the violation, install more turbidity containment devices and repair any non-functioning turbidity containment devices.

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c. Notify the Department of Environmental Protection (DEP), Northwest District, within 24 hours of the time the violation is first detected.

4. Substances in concentrations that injure, are chronically toxic to, or produce adverse physiological or behavioral response in humans, animals, or plants shall not be present.

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

6. 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. In addition to having the permit on site, the permittee is required to have a weather resistant sign, no smaller than 8 ½ inches by 11 inches, that states DEP Permit No. 67-0278545-001-DF. This sign must be posted in such a location that it can be clearly seen from the road. This sign shall be posted on site for the duration of the construction authorized by this permit.

7. All material used as fill for roadways shall be clean material and shall not be contaminated with vegetation, garbage, trash, tires, hazardous, toxic waste or other materials that are not suitable for road construction within waters of the State as so determined by the Department.

8. This permit does not authorize equipment or construction materials to be placed in jurisdictional wetlands. All wetland limits shall be flagged and identified prior to construction.

9. At no time during construction shall waterway diversions sever jurisdictional wetland connections.

10. The structure/work authorized by this permit shall not be placed /conducted on any property, other than that owned by the permittee, without the prior written approval of that property owner.

11. There shall be no storage or stockpiling of tools, materials (i.e., lumber, pilings, debris) within any wetlands, along the shoreline within the littoral zone or elsewhere within waters of the state unless specifically approved in the permit. All cleared vegetation, excess lumber, scrap wood, trash, garbage and any other type of debris shall be removed from any wetlands and waters of the state within 14 days of completion of the work authorized in this permit.

12. Prior to construction, the limits of the impacts authorized by this permit shall be clearly flagged and staked by the agent and/or contractor. All construction personnel

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shall be shown the location(s) of all wetland areas outside the construction area to prevent encroachment from equipment into these areas.

Any damage to wetlands outside the permitted area shall be restored to preconstruction elevations and conditions within 30 days of completion of driveway and the Department shall be notified in writing of said incident.

13. All contractors involved in this permitted activity shall be provided copies of this permit in its entirety.

14. This permit does not authorize the construction of any additional structures not illustrated on the permit drawings. Any modifications to the current project will have to be submitted to the Department as a permit modification prior to construction

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.).

Executed in Bay County Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

Self VI

Sally M. Cooey Panama City Branch Administrator

Enclosure: Permit Drawings

cc: U.S. Army Corps of Engineers, <u>andrew.w.phillips@usace.army.mil</u> David H. Melvin Consulting Engineers <u>brianbearwood@melvineng.com</u> File Name: FDOT SR79 Multi-Laning File No.: 67-0278545-001-DF Page 8 of 8

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this permit

including all copies were mailed or emailed before the close of business

on the <u>13th</u> of <u>March</u>, 2009 to the above listed persons.

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to 120.52(7), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

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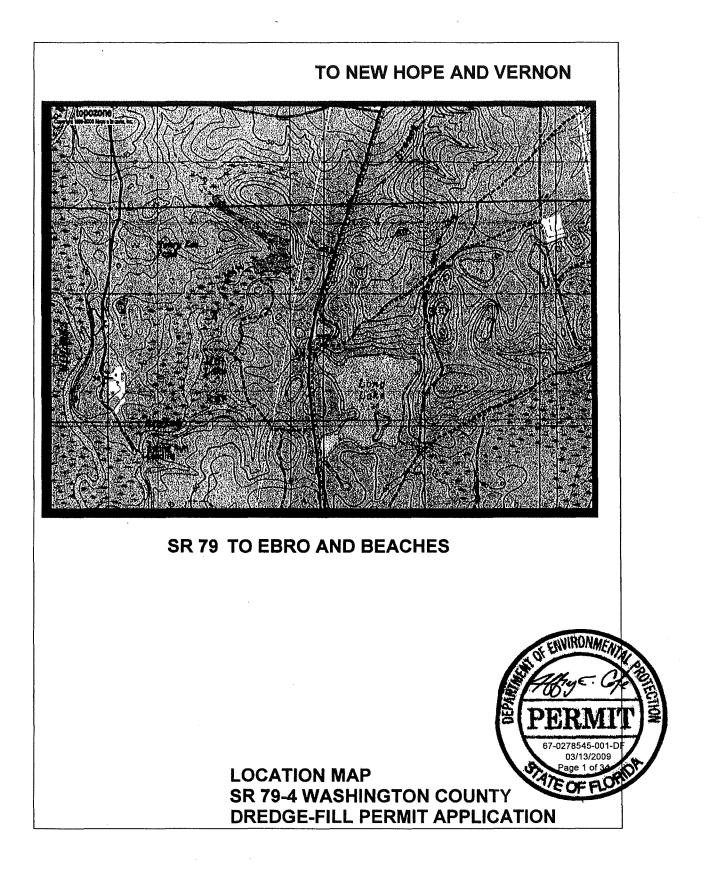
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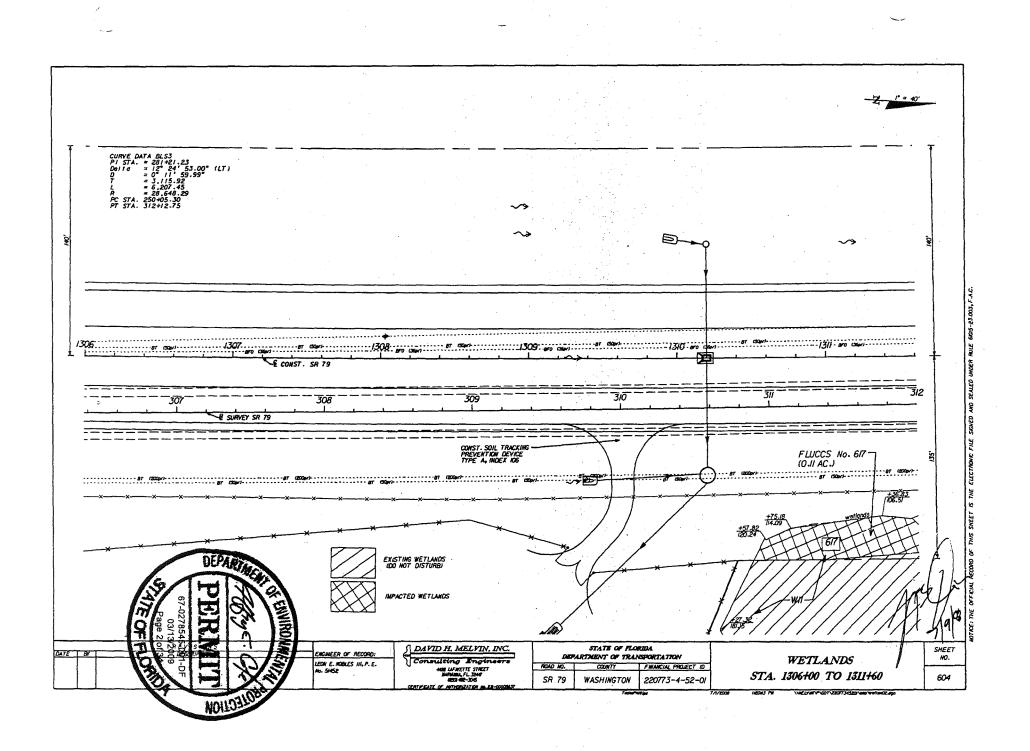
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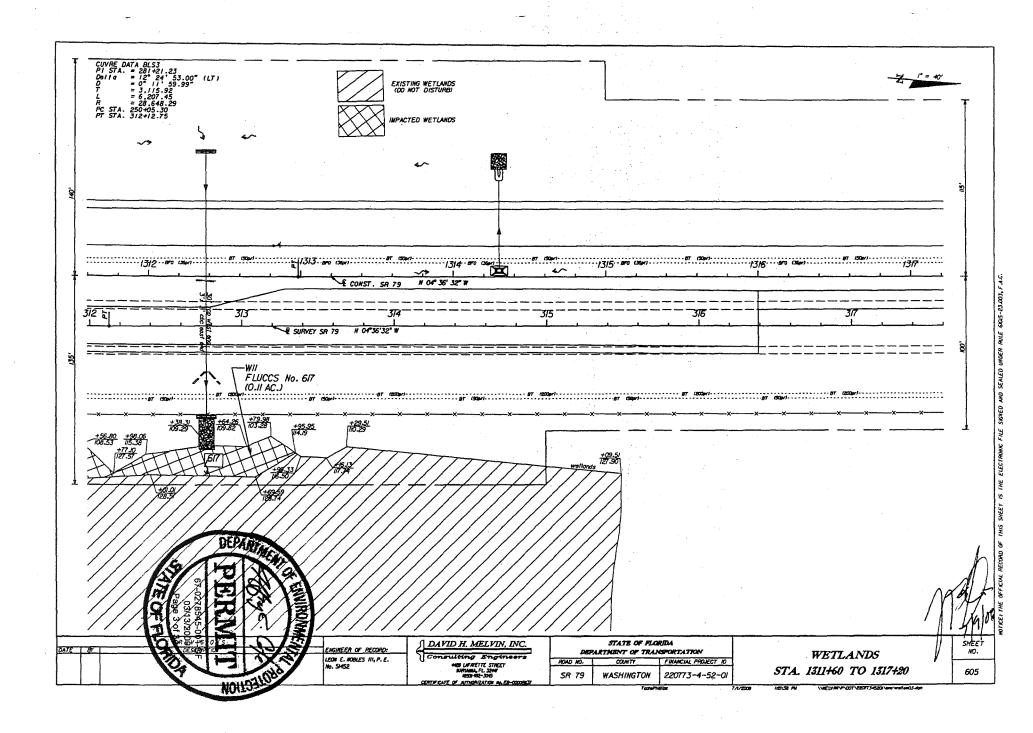
Prepared By: Jeffrey E. Cole

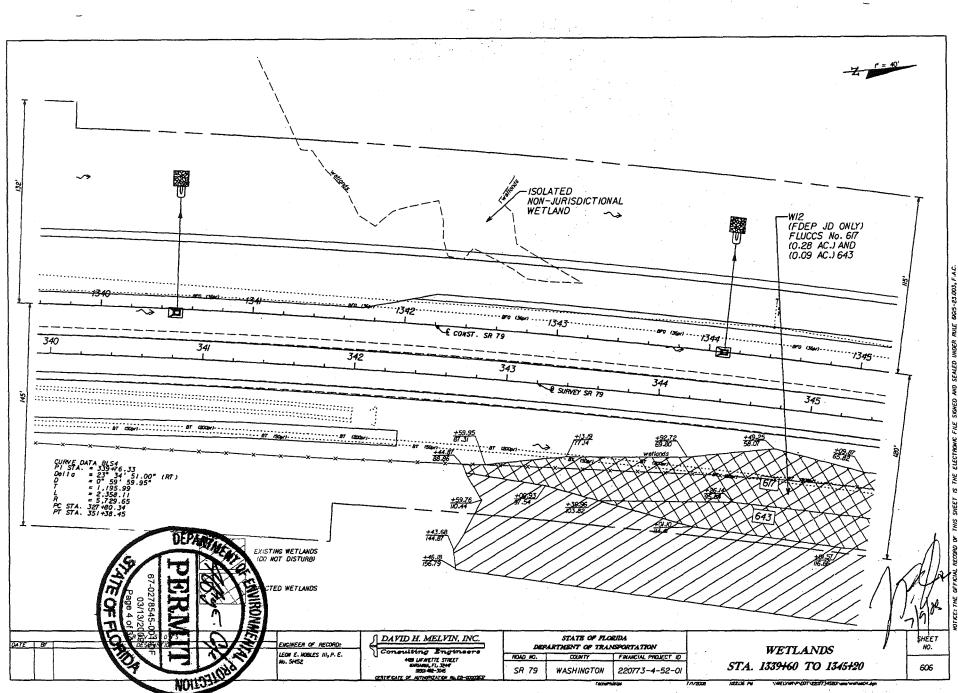
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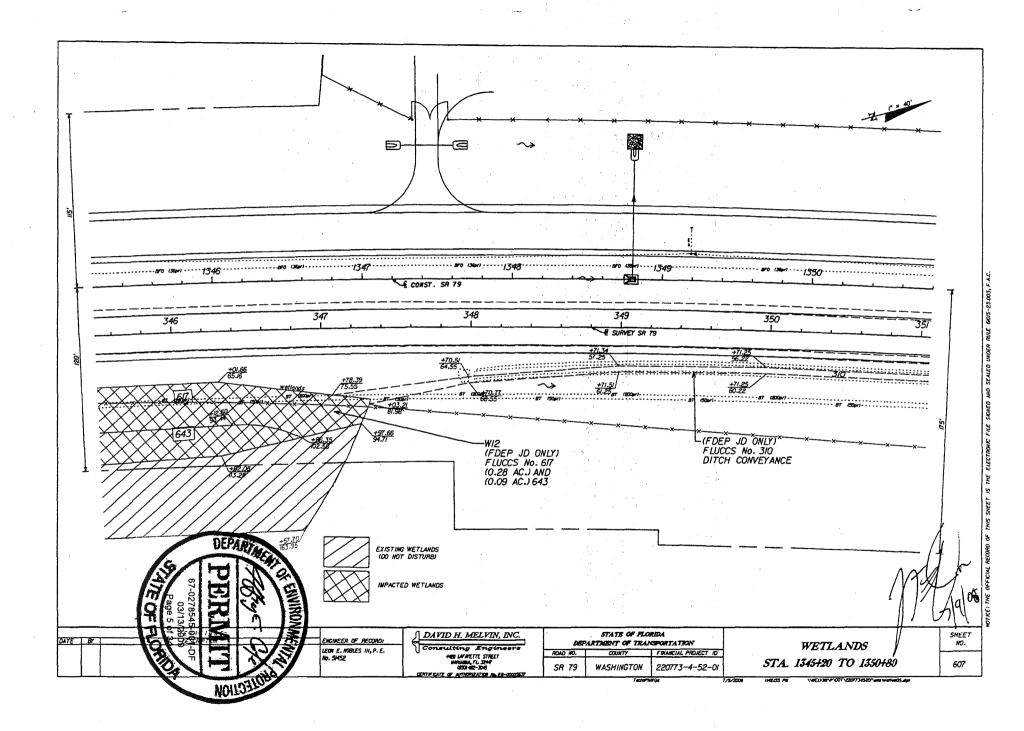
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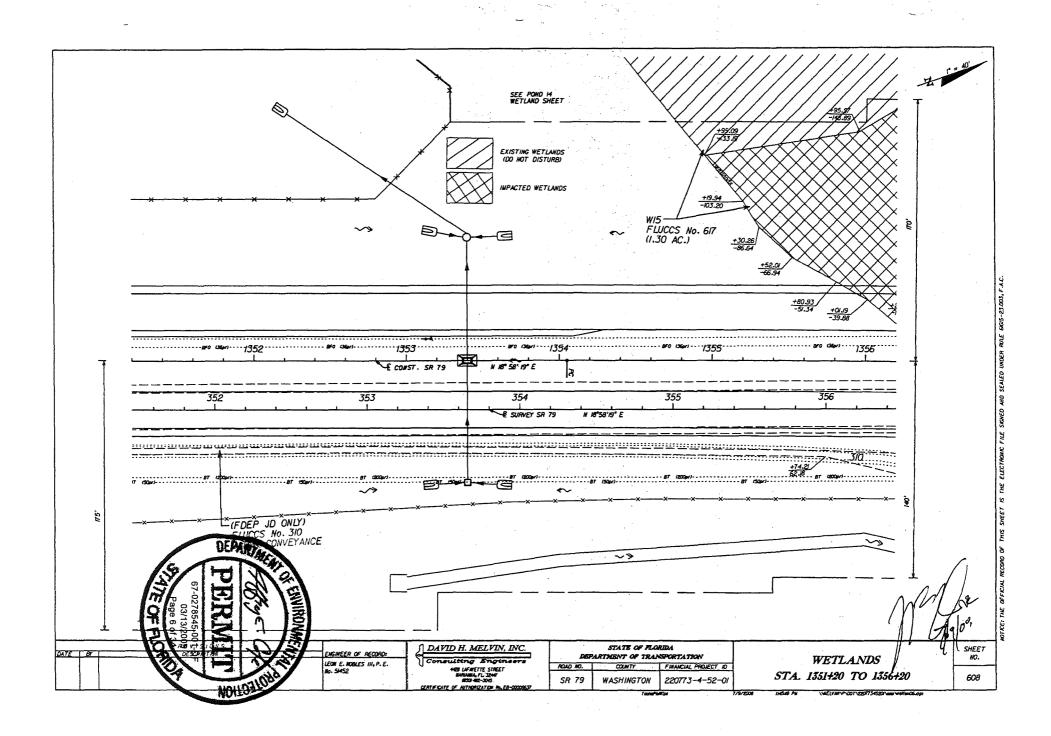


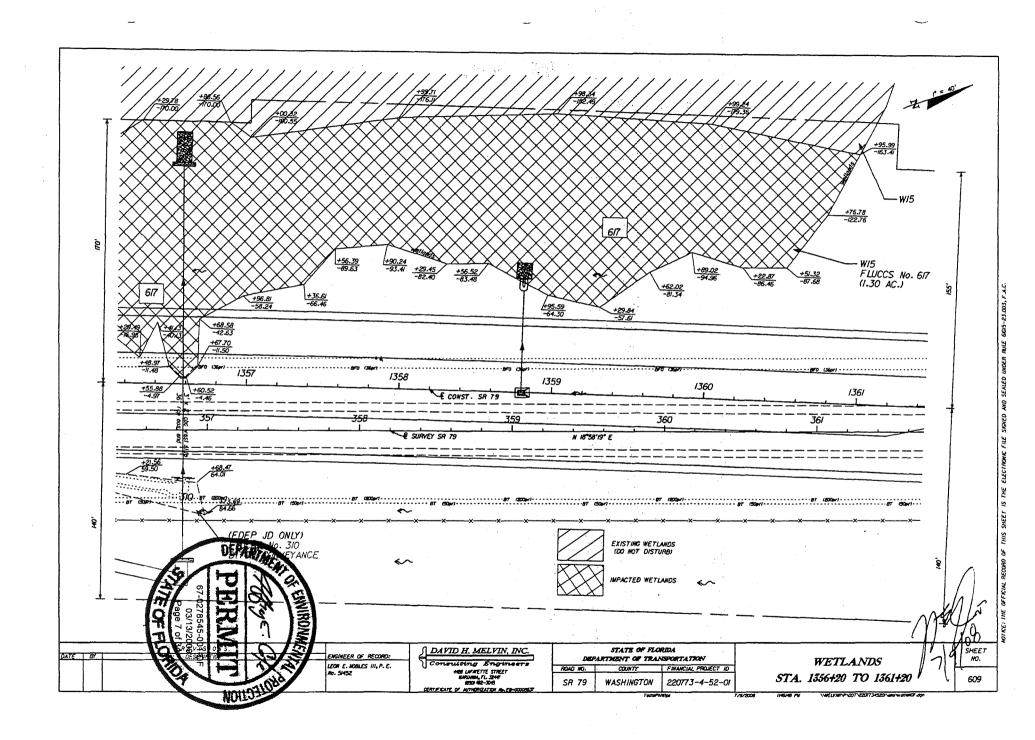


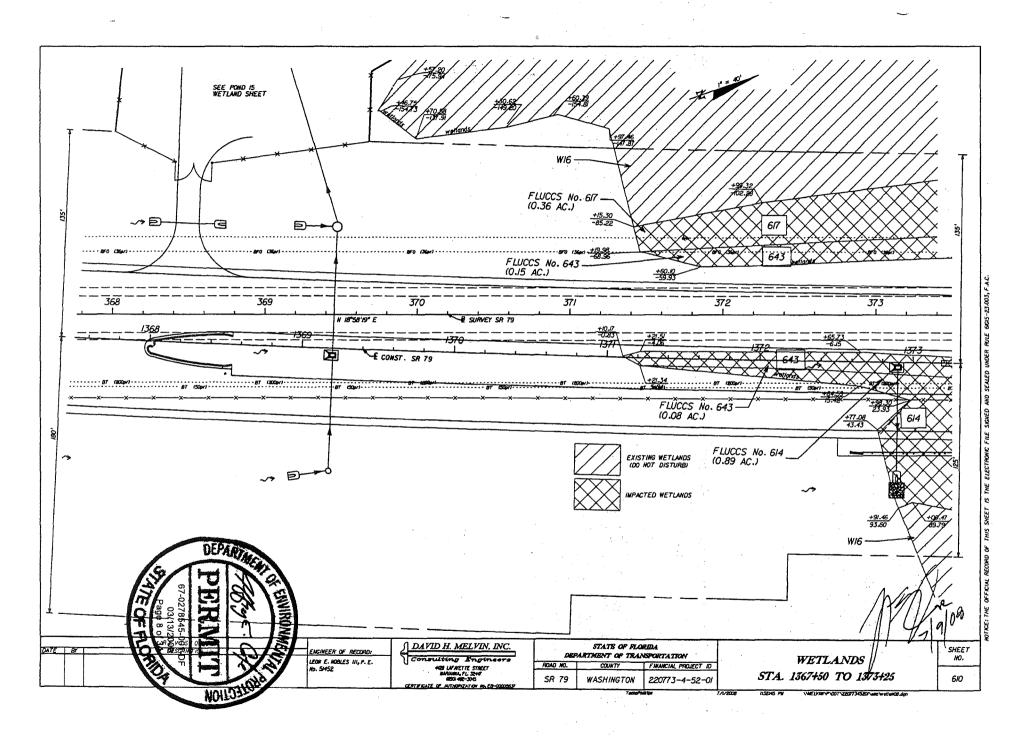




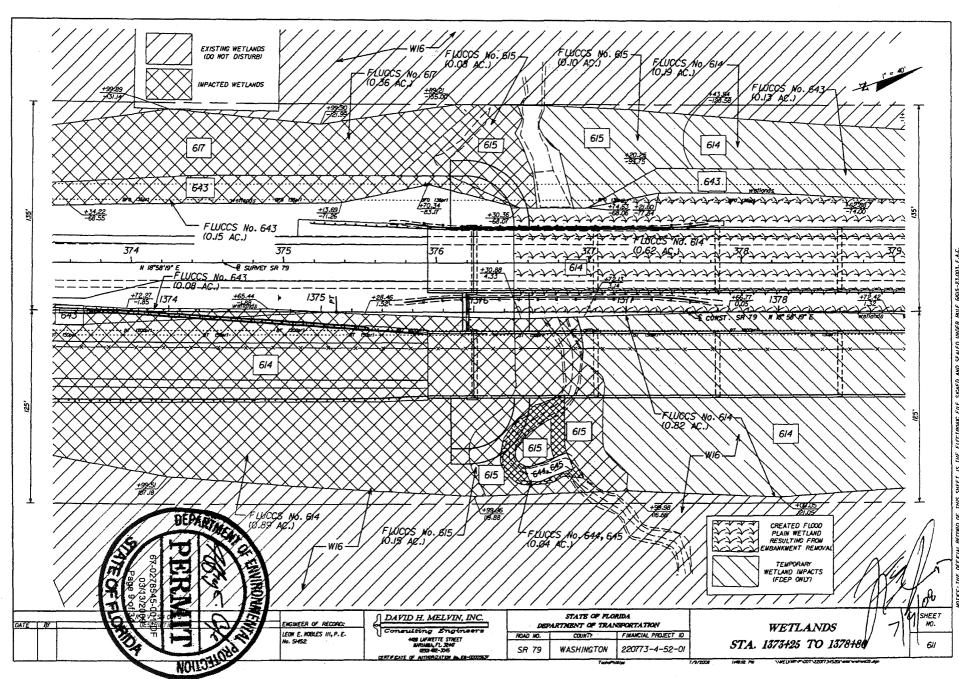




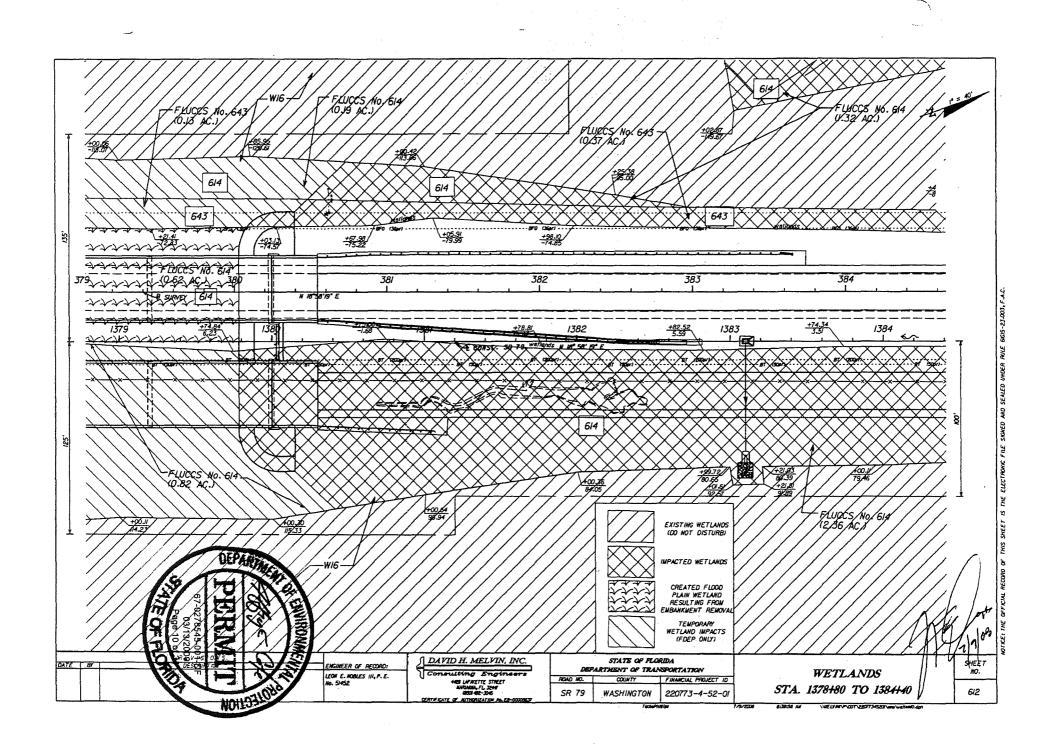


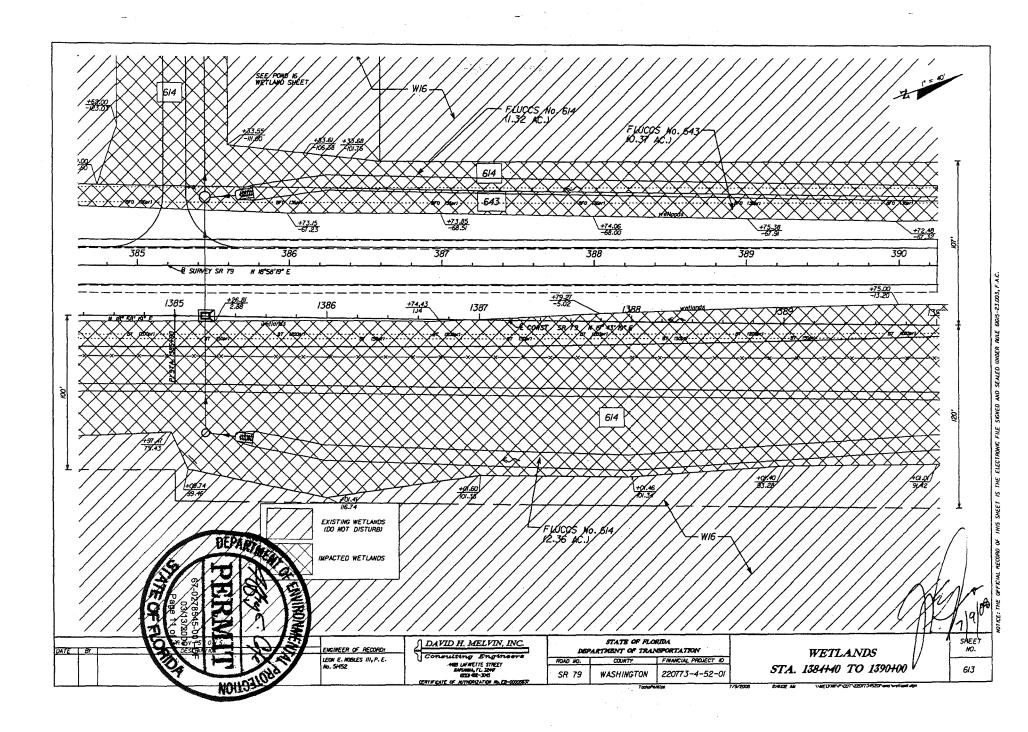


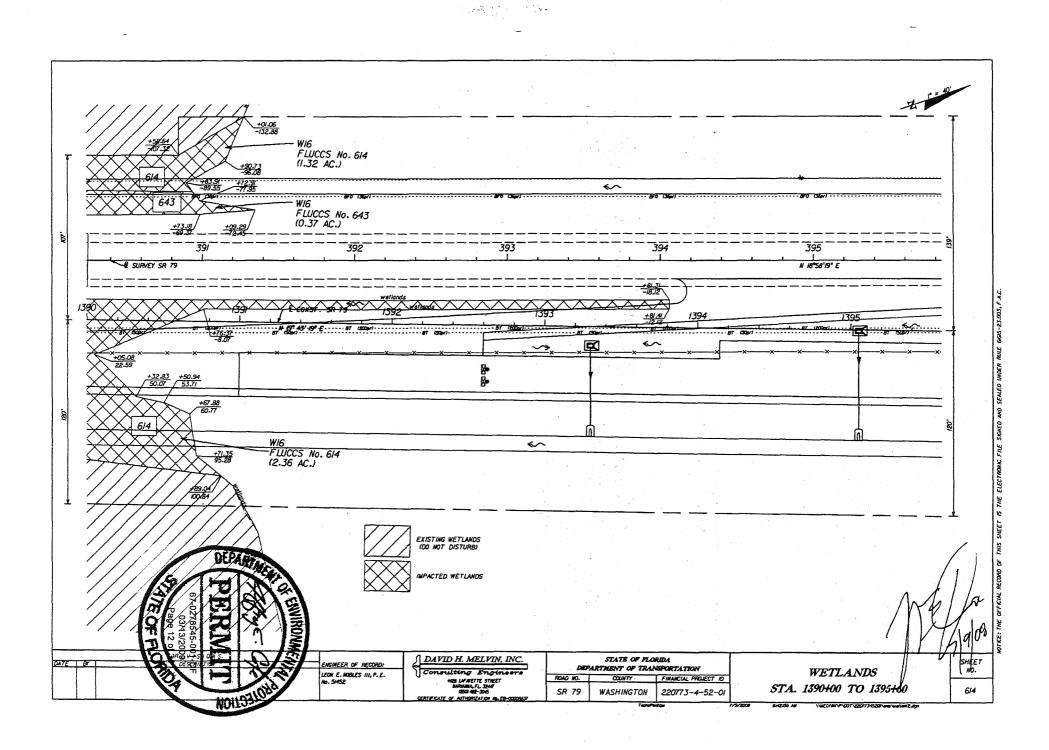
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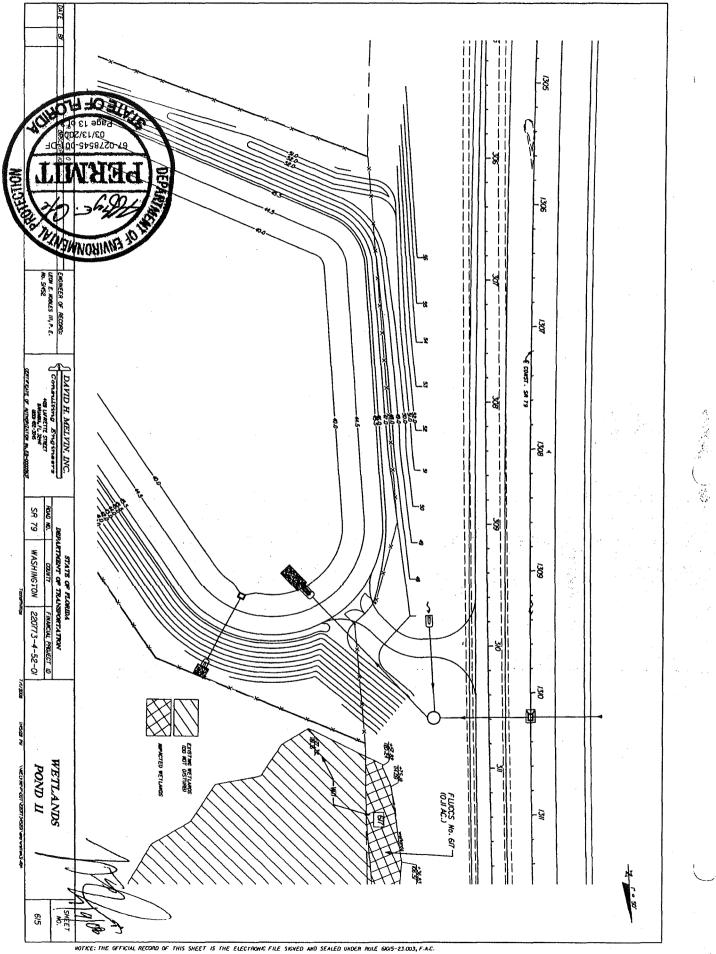


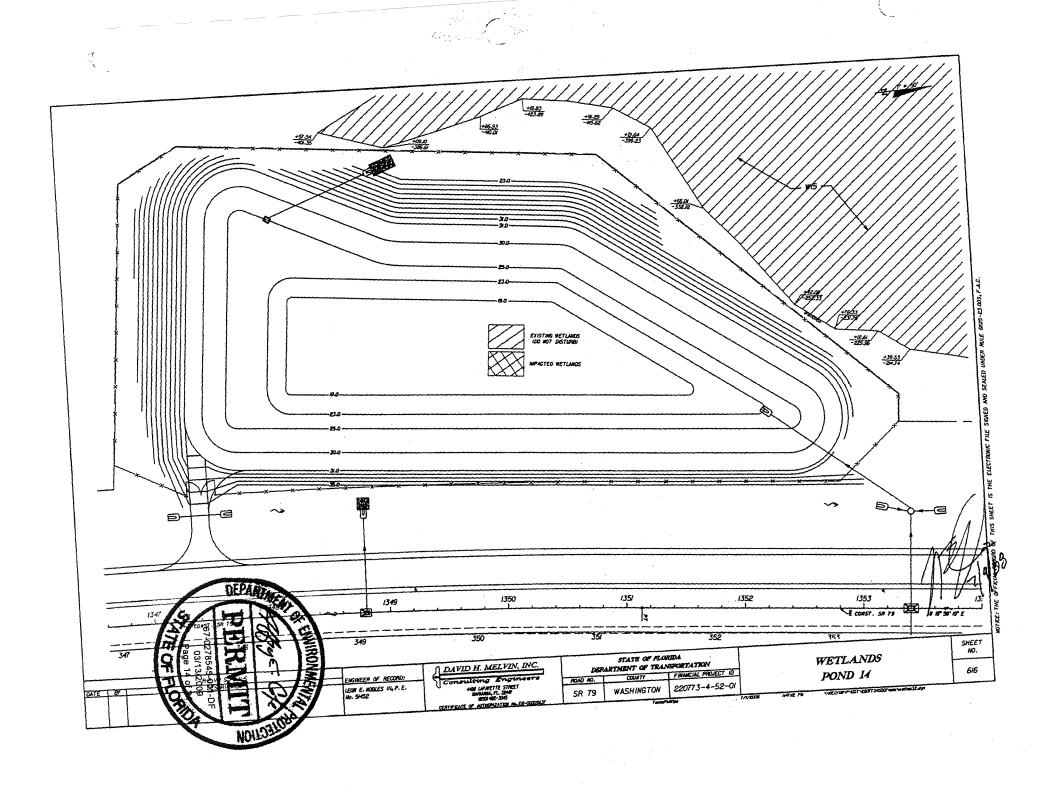
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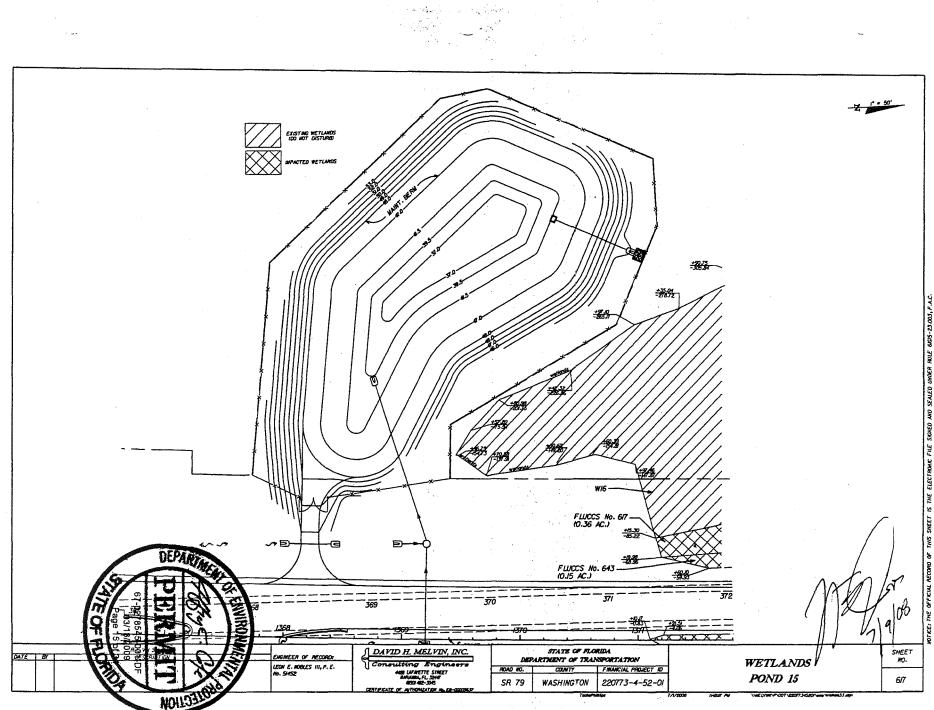


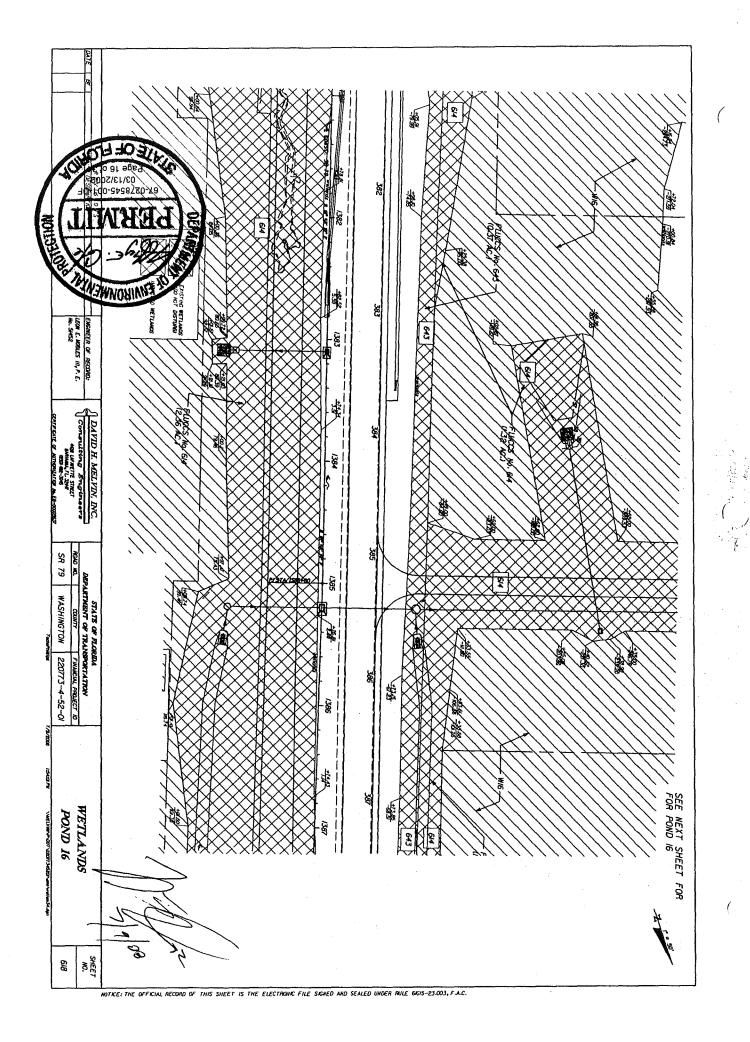


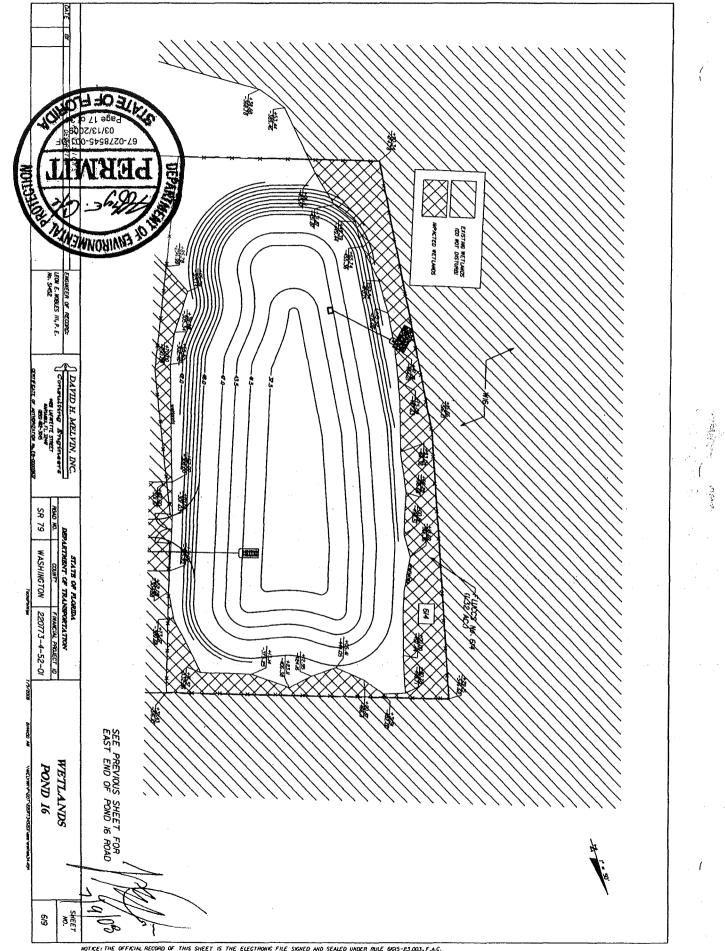




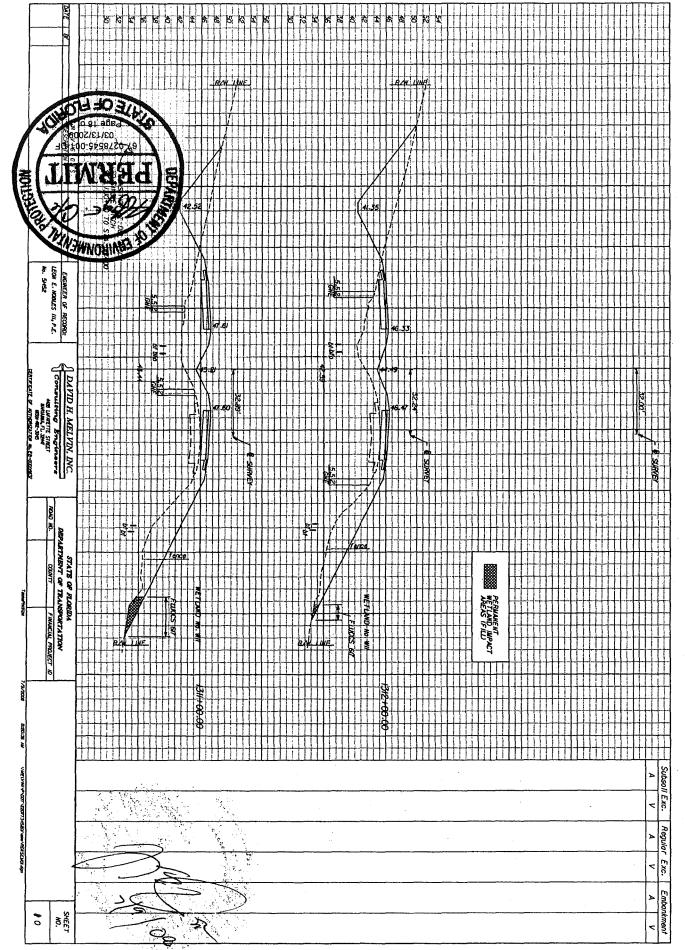




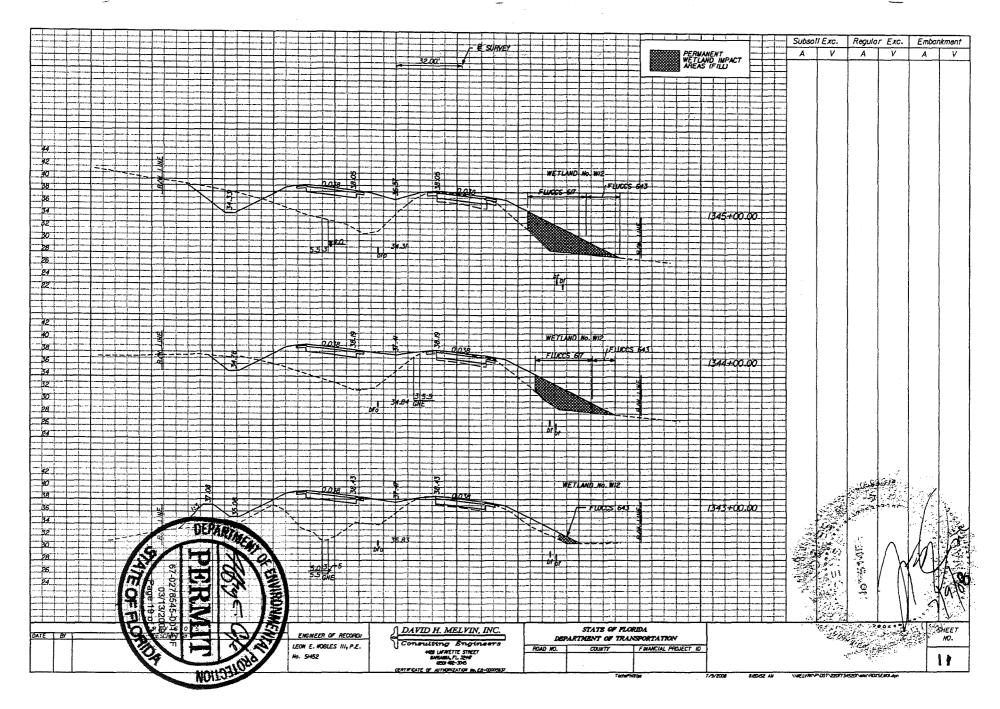


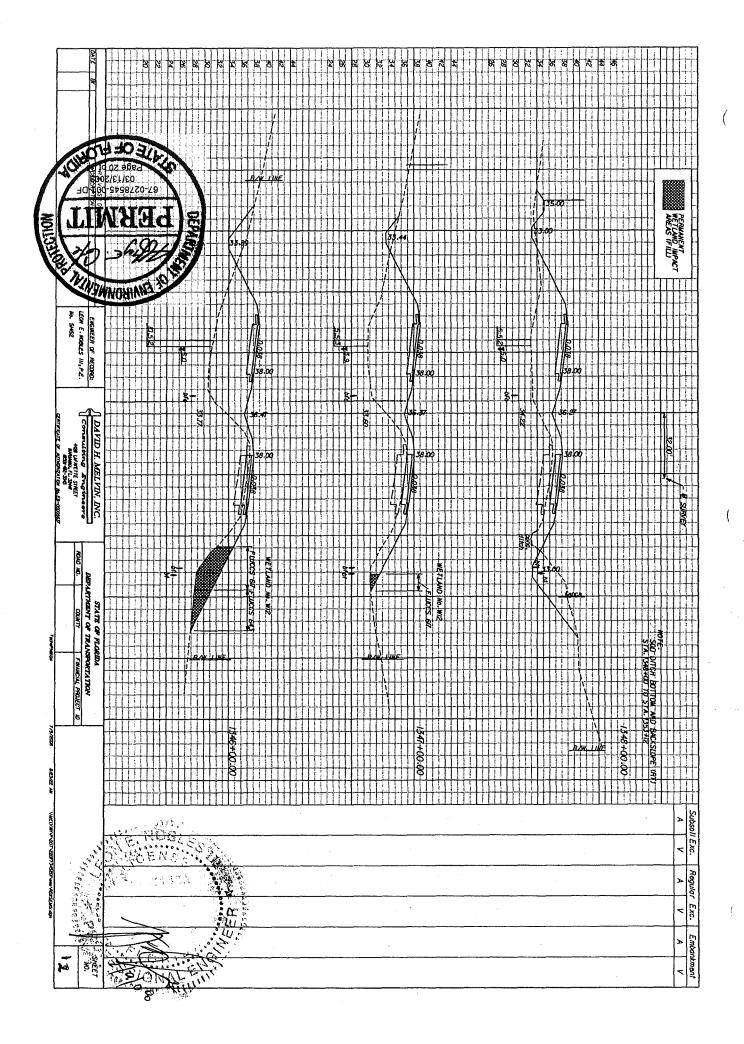


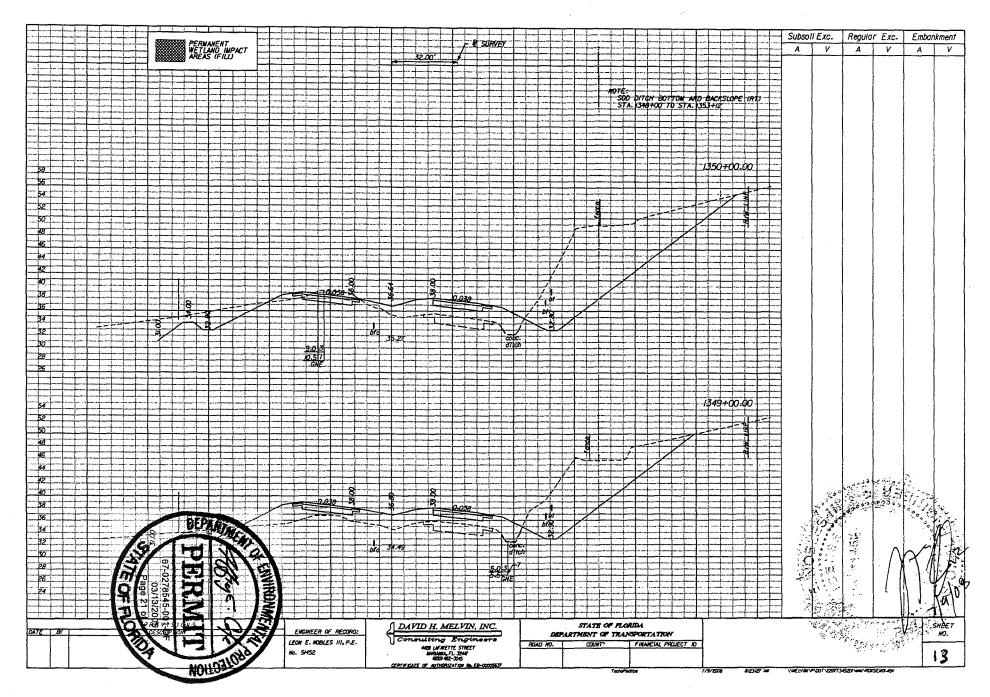
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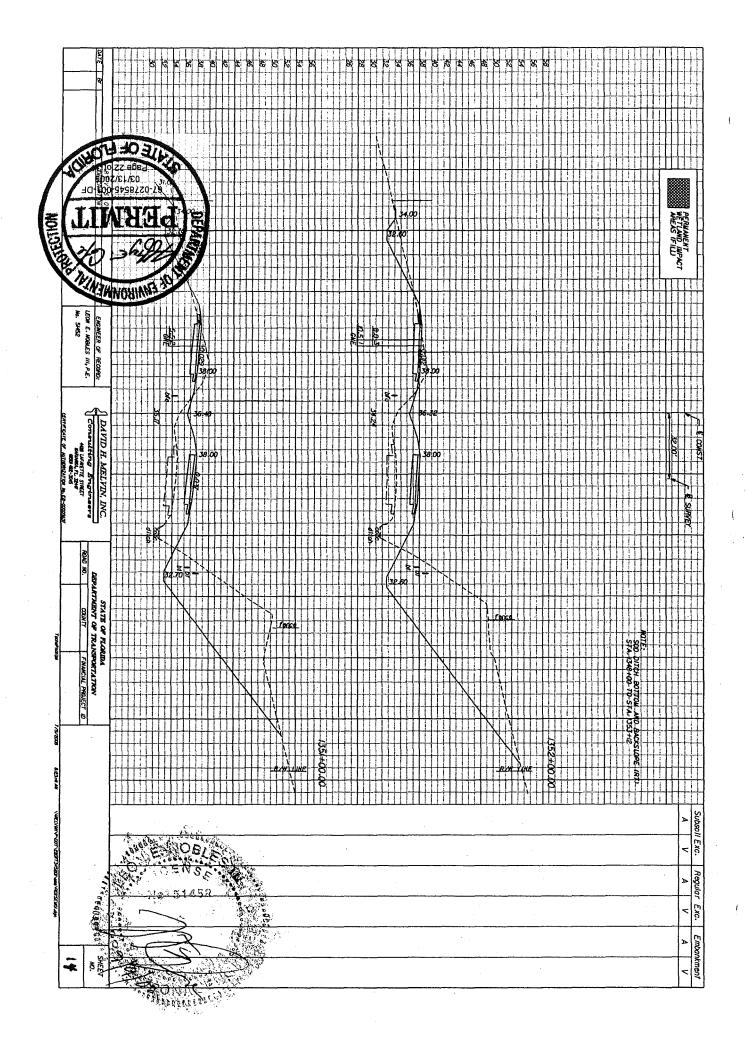


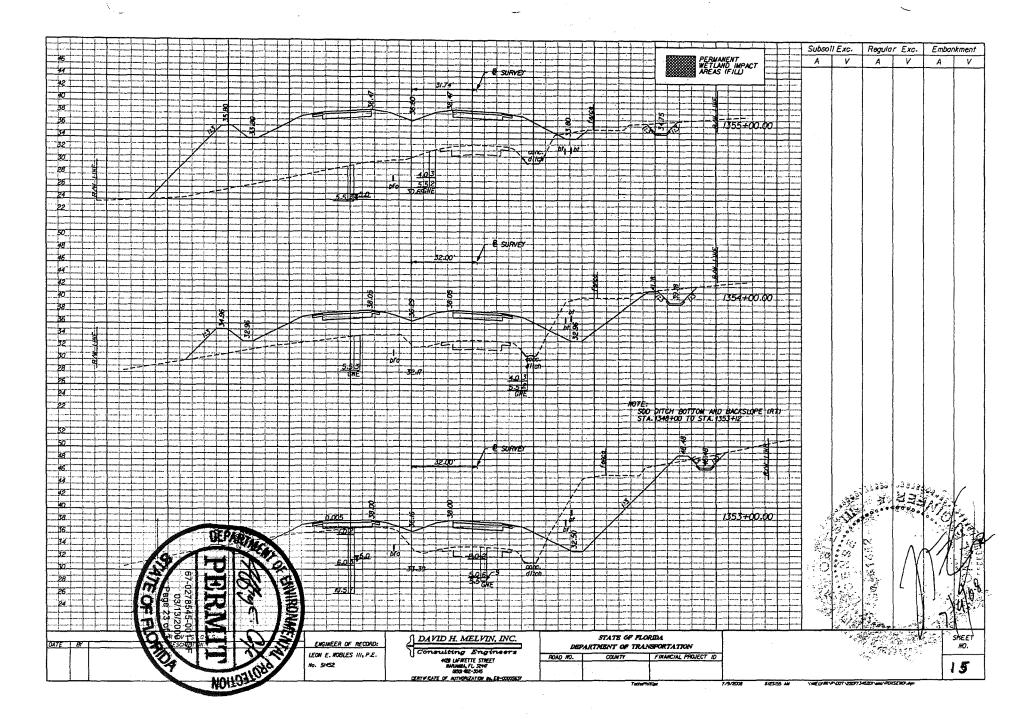
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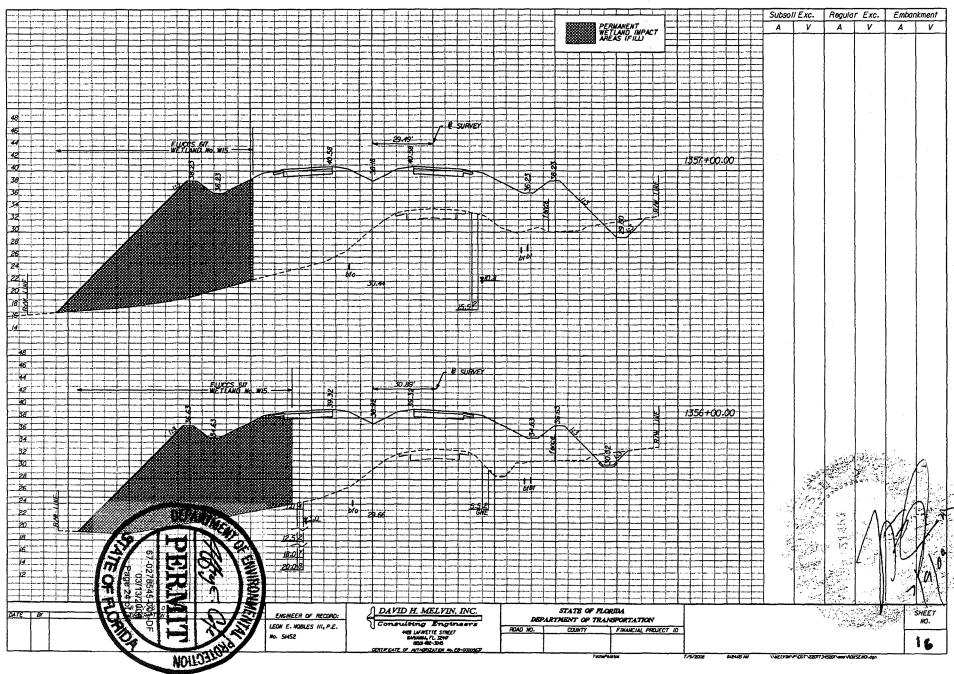


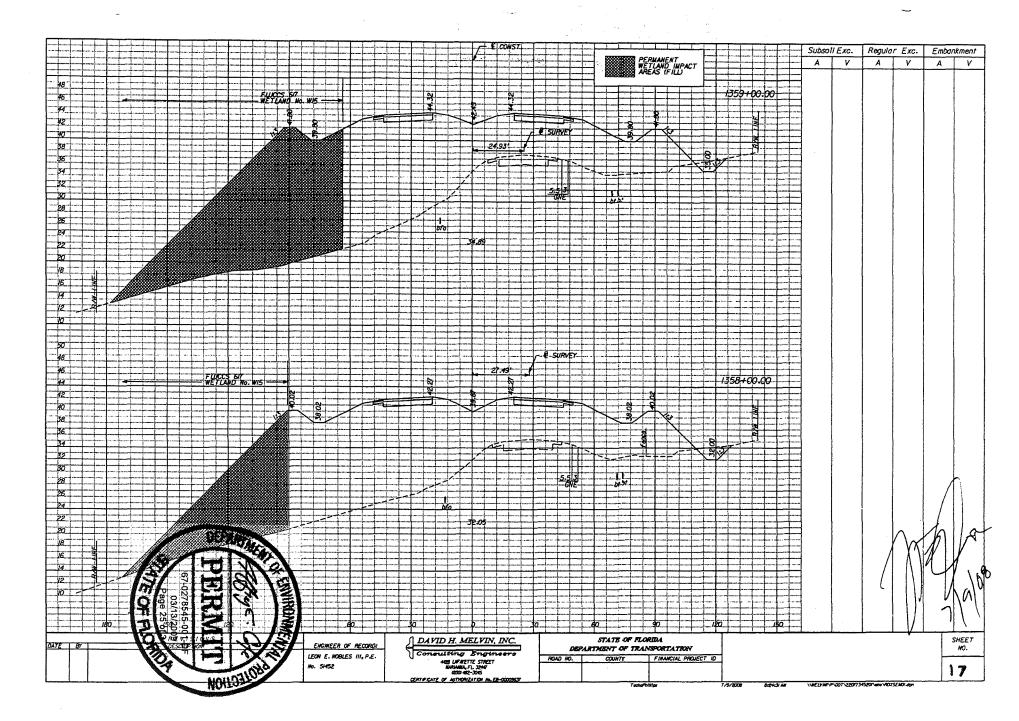




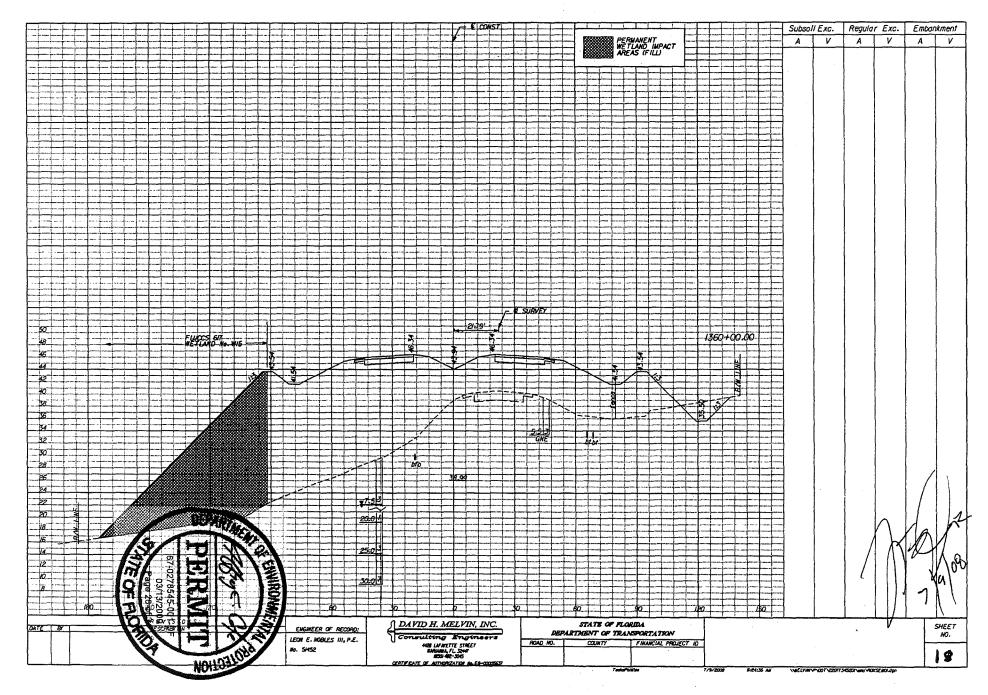




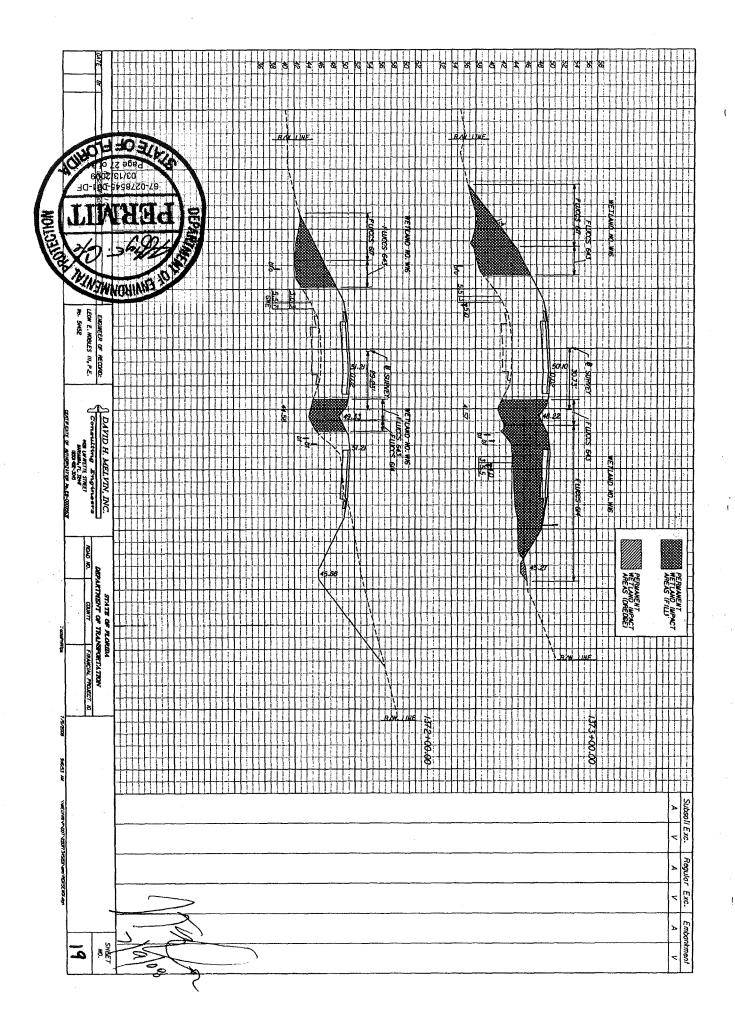


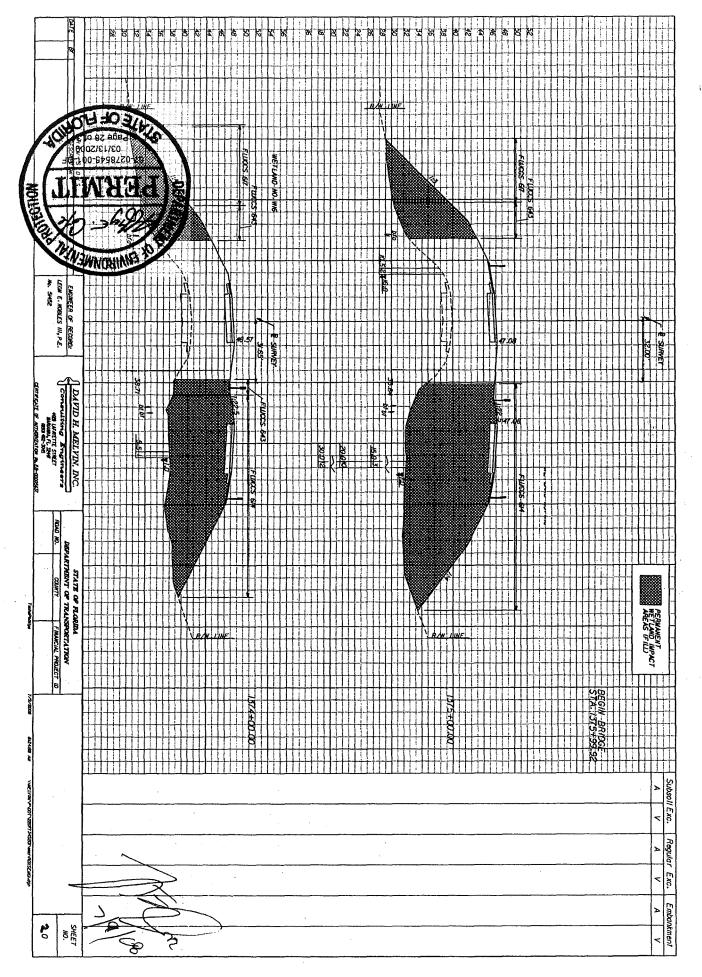


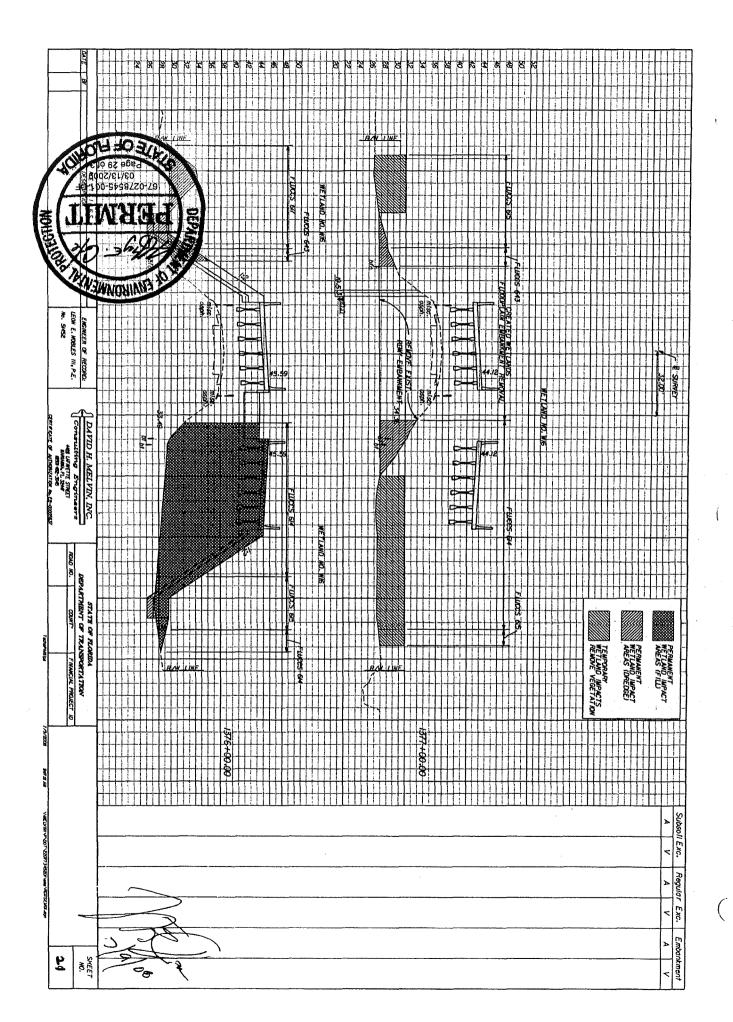
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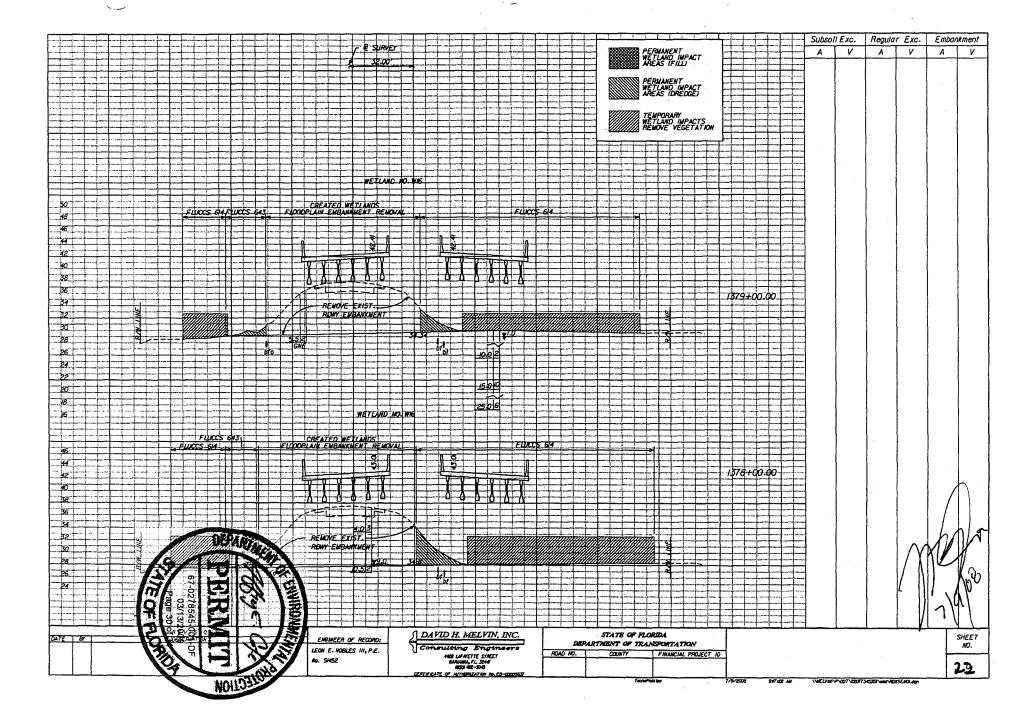


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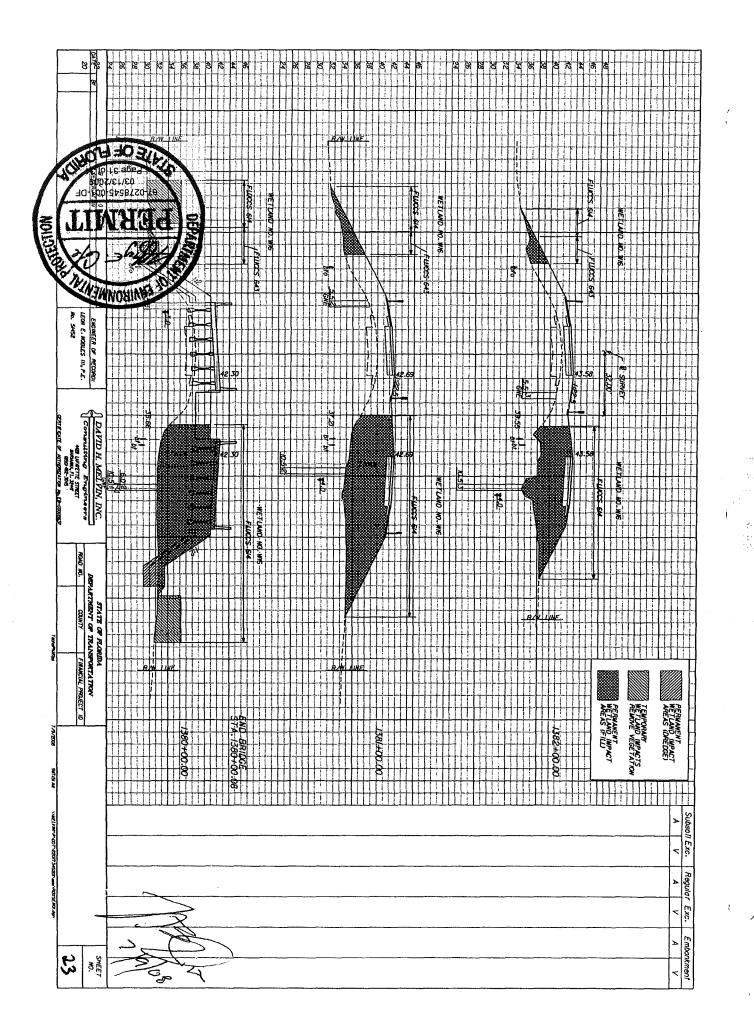


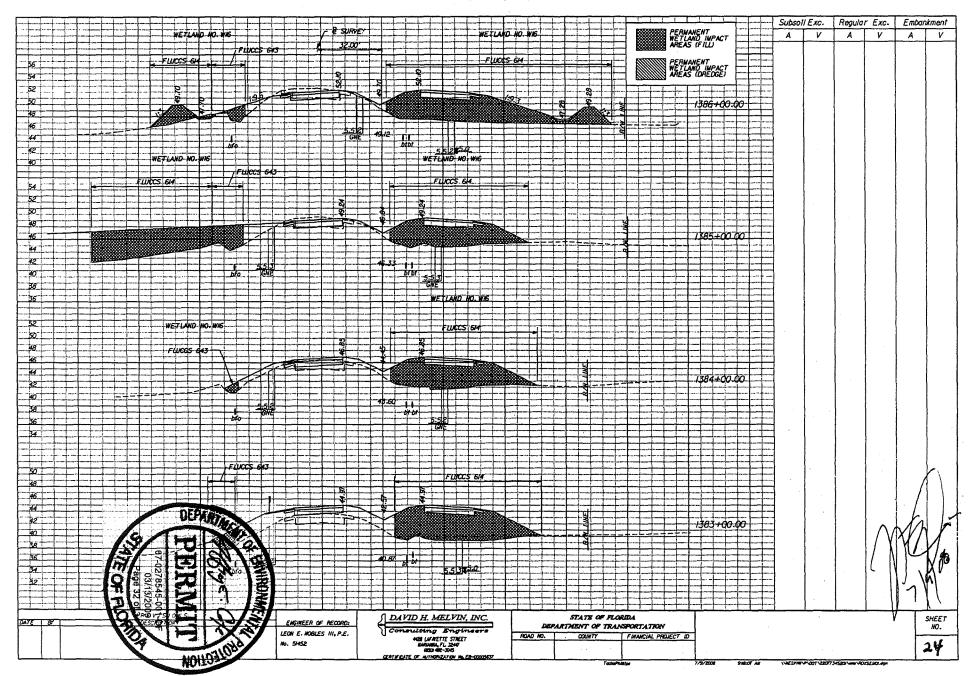




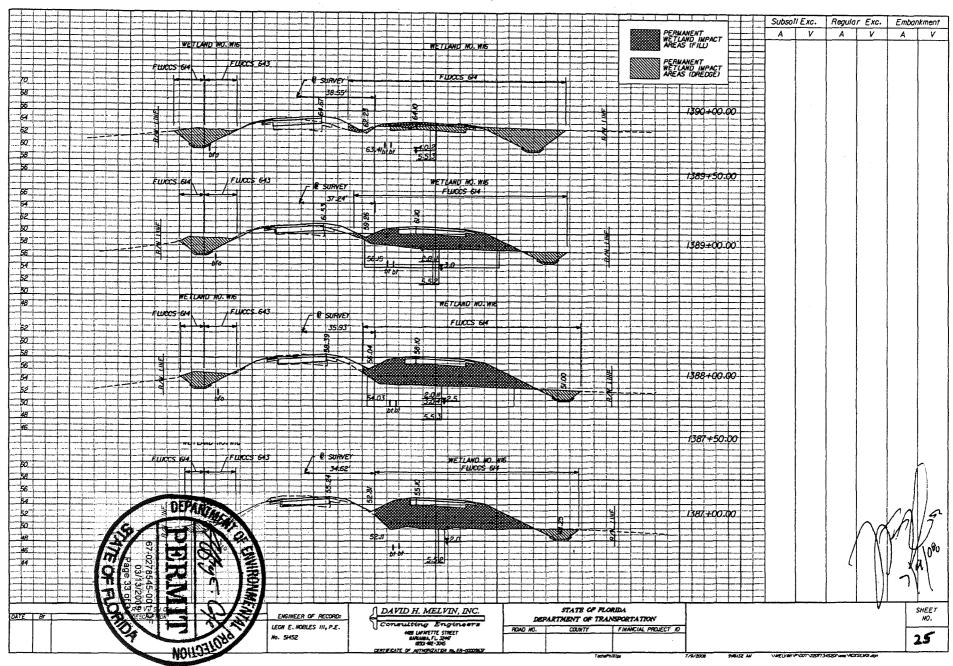


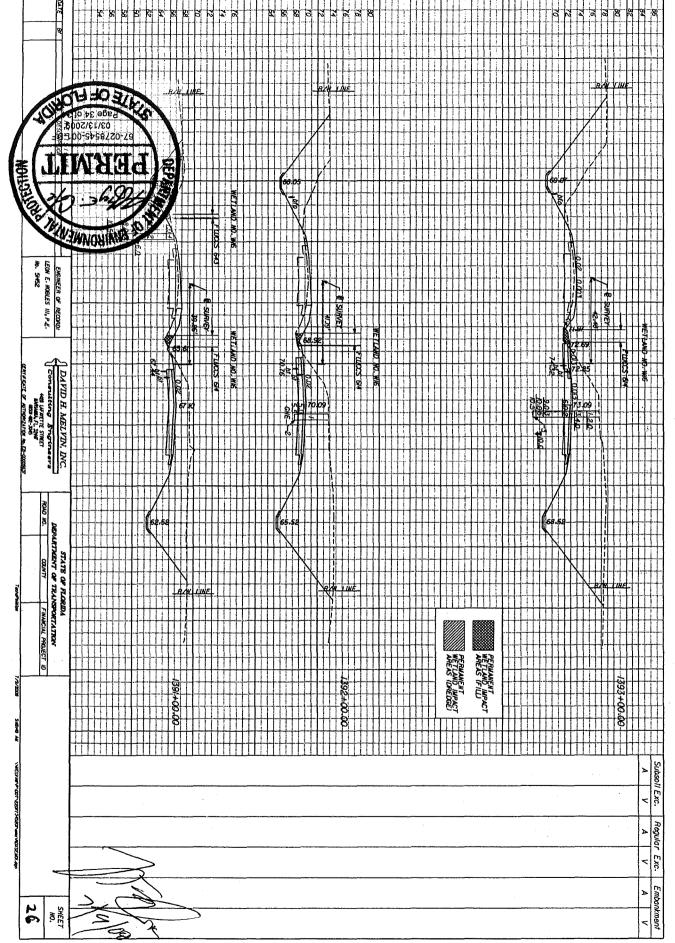
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