



Jonathan P. Steverson
Executive Director

Northwest Florida Water Management District

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

102, 297-1
Escambia

RECEIVED

FEB 5 2013

ENVIRONMENTAL MANAGEMENT
OFFICE

January 31, 2013

Joy Giddens
Florida Department of Transportation
1074 Highway 90 East
P.O. Box 670
Chipley, FL 32428

**Re: Notice of Final Agency Action - Determination of Qualification
Noticed General Environmental Resource Permit**

Project Name: Brickyard Rd Bridge Replacement
Permit Number: 1452

Dear Joy Giddens:

The District has received your notice of intent to use a Noticed General Environmental Resource Permit. Based upon the submitted information, the proposed activity qualifies for a Noticed General Environmental Resource Permit pursuant to Chapter 62-330, Florida Administrative Code (F.A.C.). The proposed activity is subject to the general conditions in Rule 62-330.215, F.A.C. (see attached Exhibit A) and the specific conditions of Rule 62-330.443 F.A.C. (see attached Exhibit B). Deviations from these conditions may subject you to enforcement action and possible penalties. You are responsible for conducting construction in a manner that satisfies all criteria.

Please be advised that the District has not published a notice in the newspaper advising the public that this activity has qualified for the use of a Noticed General Environmental Resource Permit. Publication, using the District form, notifies the public of their right 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 If you do not publish, a party's right to challenge the issuance of the permit extends for an indefinite period of time. If you wish to have certainty that the period for filing such a challenge is closed, then you may publish, at your own expense, such a notice in a newspaper of general circulation. A copy of the form of the notice and a list of newspapers of general circulation is attached for your information. If you do publish a notice, please submit a copy of the published notice to the District for our records.

GEORGE ROBERTS
Chair
Panama City

JERRY PATE
Vice Chair
Pensacola

JOYCE ESTES
Secretary-Treasurer
Eastpoint

JOHN ALTER
Malone

GUS ANDREWS
DeFuniak Springs

STEPHANIE BLOYD
Panama City Beach

JON COSTELLO
Tallahassee

NICK PATRONIS
Panama City Beach

BO SPRING
Port Saint Joe

Joy Giddens
January 31, 2013
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This verification of qualification to use a Noticed General Environmental Resource Permit does not eliminate the need for obtaining 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, Ronald Bucina, at 850-683-5044, or by e-mail: ronald.bucina@nwfwmf.state.fl.us.

Sincerely,

A handwritten signature in blue ink, appearing to read "M. Bateman", with a circular flourish at the end.

Michael Bateman
Chief, Bureau of Environmental Resource Regulation

cc: Paul Looney

Enclosures: Notice of Rights
Sample Newspaper Notice

**NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT
NOTICED GENERAL ENVIRONMENTAL RESOURCE PERMIT**

NOTICED GENERAL ENVIRONMENTAL PERMIT NUMBER: 1452

DATE ISSUED: January 31, 2013

PROJECT NAME: Brickyard Rd Bridge Replacement

AN AGENCY ACTION AUTHORIZING:

The use of a Noticed General Environmental Resource Permit, pursuant to section 62-330.443, F.A.C. on January 31, 2013, for the following:

Replacement of a wooden pile supported concrete deck bridge on Brickyard Road, located approximately 0.2 miles north of the intersection with Old Molino Rd., in Escambia County. The project includes permanent impacts to wetlands and other surface waters totaling 0.38 acres and temporary impacts to an additional area of 0.12 acres of wetlands and other surface waters. The combined total of dredging and filling, in wetlands and other surface waters does not exceed 0.50 acres. The project does not include the construction of additional travel lanes.

LOCATION:

City: Molino

County: Escambia

Address: 6670 Brickyard Road (From I-10 exit Pensacola Blvd (US 29) north. Travel north on US 29 (Pens

Section(s):36

Township(s): 3N

Range(s): 31

Latitude: 30° 43' 38" N

Longitude: 87° 18' 58" W

W

ISSUED TO:

Florida Department of Transportation

1074 Highway 90 East

P.O. Box 670

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.

The use of a Noticed General Environmental Resource permit does not convey to permittee any property rights or 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 may be revoked, modified or transferred at any time pursuant to the appropriate provisions of Chapter 373, Florida Statutes:

Activities conducted under this permit are subject to the following conditions:

See conditions on attached Exhibit A, dated January 31, 2013

See conditions on attached Exhibit B, dated January 31, 2013

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

By: _____



Michael Bateman
Chief, Bureau of Environmental Regulation

Exhibit A
Section 62-330.215, Florida Administrative Code
General Conditions for All Noticed General Permits

62-330.215 General Conditions for All Noticed General Permits.

- (1) The terms, conditions, requirements, limitations, and restrictions set forth in this section are general permit conditions and are binding upon the permittee for all noticed general permits in this chapter. These conditions are enforceable under Part IV of Chapter 373, F.S.
- (2) The general permit is valid only for the specific activity indicated. Any deviation from the specified activity and the conditions for undertaking that activity shall constitute a violation of the permit. A violation of the permit is a violation of Part IV of Chapter 373, F.S., and may result in suspension or revocation of the permittee's right to conduct such activity under the general permit. The Department also may begin legal proceedings seeking penalties or other remedies as provided by law for any violation of these conditions.
- (3) This general permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any construction, alteration, operation, maintenance, removal or abandonment authorized by this permit.
- (4) This general 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 general permit as provided by Chapter 62-330, F.A.C.
- (5) The general permit does not relieve the permittee from liability and penalties when the permitted activity causes harm or injury to: human health or welfare; animal, plant or aquatic life; or property. It does not allow the permittee to cause pollution in contravention of Florida Statutes and Department rules.
- (6) The permittee is hereby advised that Section 253.77, F.S., states that a person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement, or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.
- (7) The authorization to conduct activities pursuant to a general permit may be modified, suspended or revoked in accordance with Chapter 120, F.S., and Section 373.429, F.S.
- (8) This permit shall not be transferred to a third party except pursuant to Rule 62-343.130, F.A.C. The permittee transferring the general permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to sale, conveyance, or other transfer of ownership or control of the permitted system or the real property at which the permitted system is located.
- (9) Upon reasonable notice to the permittee, Department staff with proper identification shall have permission to enter, inspect, sample and test the permitted system to insure conformity with the plans and specifications approved by the permit.
- (10) The permittee shall maintain any permitted system in accordance with the plans submitted to the Department and authorized in this general permit.
- (11) A permittee's right to conduct a specific noticed activity under this noticed general permit is authorized for a duration of five years.
- (12) Construction, alteration, operation, maintenance, removal and abandonment approved by this general permit shall be conducted in a manner which does not cause violations of state water quality standards, including any antidegradation provisions of paragraphs 62-4.242(1)(a) and (b), subsections 62-4.242(2) and (3), and Rule 62-302.300, F.A.C., and any special standards for Outstanding Florida Waters and Outstanding National Resource Waters. The permittee shall implement best management practices for erosion, turbidity, and other pollution control to prevent violation of state water quality standards. Temporary erosion control measures such as sodding, mulching, and seeding shall be implemented and shall be maintained on all erodible ground areas prior to and during construction. Permanent erosion control measures such as sodding and planting of wetland species shall be completed within seven days of any construction activity. Turbidity barriers shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and other surface waters exists due to the permitted activity. Turbidity barriers shall remain in place and shall be maintained in a functional condition

at all locations until construction is completed and soils are stabilized and vegetation has been established. Thereafter the permittee shall be responsible for the removal of the barriers. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.

(13) The permittee shall hold and save the Department harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any system authorized by the general permit.

(14) The permittee shall immediately notify the Department in writing of any previously submitted information that is later discovered to be inaccurate.

Specific Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.044, 373.406(5), 373.118(1), 373.129, 373.136, 373.413, 373.414(9), 373.416, 373.422, 373.423, 373.429 FS. History--New 10-3-95

Exhibit B
General Permit to the Florida Department of Transportation, Counties and Municipalities for Minor Bridge Alteration, Replacement, Maintenance and Operation.
Rule 62-330.443, Florida Administrative Code

62-330.443 General Permit to the Florida Department of Transportation, Counties and Municipalities for Minor Bridge Alteration, Replacement, Maintenance and Operation.

(1) A general permit is hereby granted to the Florida Department of Transportation, counties and municipalities to conduct the activities described below:

- (a) The replacement, modification, or maintenance of bridges and approaches where the combined total of dredging and filling, both temporary and permanent, in wetlands and other surface waters does not exceed 0.50 acre (2023 square meters or 0.2 hectares); and
- (b) Channel clearing and shaping, not to exceed a combined total of 0.5 acres (2023 square meters or 0.2 hectares) of dredging and filling in wetlands and other surface waters, to facilitate maximum hydraulic efficiency of the structures detailed in paragraph (a) above, where the spoil material is used on an upland portion of the project or is deposited on a self-contained, upland spoil site. Escape of spoil material or water from the spoil deposition area into wetlands or other surface waters is prohibited.

(2) This general permit shall be subject to the following specific conditions:

- (a) In addition to compliance with the notice provisions of subsection 62-343.090(1), F.A.C., within 90 days following completion of construction, the permittee will notify by letter the Department office to which notice was originally given of the date construction activities were completed;
- (b) No dredging of access or work channels is authorized by this general permit;
- (c) Temporary fill roads shall not be constructed waterward of mean high water or ordinary high water;
- (d) All fill placed in wetlands, other than fill on which a bridge or approach described in paragraph (1)(a) is constructed, shall be regraded to the original wetland elevations and these filled wetland areas revegetated with native wetland species endemic to adjoining, undisturbed wetlands, within seven days of completion of construction. Within "clear zones", as described in Chapter 3, Roadside Design Guide (American Association of State Highway and Transportation Officials dated October 1988) revegetation shall be with native herbaceous species endemic to adjoining, undisturbed wetlands. These wetland areas shall be maintained, and planted as necessary to ensure that satisfactory revegetation occurs. For the purposes of this general permit, "satisfactory revegetation" means that the herbaceous wetlands, and forested wetlands within the clear zones, that are disturbed by fill shall have achieved not less than 33 percent cover of planted or naturally reestablished herbaceous wetland species within 18 months of completion of construction, and forested wetlands other than forested wetlands in clear zones that are disturbed by fill shall have achieved a survival rate of not less than 400 wetland trees per acre within 18 months of completion of construction. A maintenance plan must be developed implemented to ensure the survival of the planted or naturally reestablishing wetland species. Within the revegetated wetland areas, non-native vegetation must be controlled such that it does not constitute more than 10 percent of the areal cover in any stratum at any time for the five year period following the initial planting or restoration of the site;
- (e) Hydraulic openings of bridges constructed under paragraph (1)(a) above shall be sufficient to prevent downstream scour, increased downstream water velocities, and increased elevations on the property of others;
- (f) Minimum horizontal and vertical navigational clearances on bridges over navigable waters of the United States shall be established in accordance with procedures outlined in the U.S. Coast Guard Bridge Administration Manual, COMDTINST M16590.5A, June 6, 1994;
- (g) Horizontal and vertical clearances for replacement bridge structures shall meet or exceed those of the bridge being replaced;
- (h) Temporary erosion controls for all exposed soils within wetlands and other surface waters shall be completed within seven calendar days of the most recent construction activity;

- (i) The fill areas and the banks of the water body shall be stabilized with vegetation or riprap within seven days following completion of slope construction. This stabilization is considered a construction priority and completed fill slopes in wetlands and other surface waters shall not remain unstabilized while other construction continues;
- (j) This general permit does not authorize the use of dredged material for roadway construction;
- (k) The permittee shall use erosion and sediment control best management practices, including turbidity curtains or similar devices, in strict adherence to these practices as described in Chapter 6, The Florida Development Manual: A Guide to Sound Land and Water Management (Florida Department of Environmental Regulation, 1988), incorporated by reference herein to prevent violations of state water quality standards;
- (l) This general permit authorizes dredging and filling for the replacement, modification, or maintenance of a bridge and approaches for a specific crossing of a wetland or other surface water. Replacement or modification of a bridge that includes changes in the configuration of the bridge and fill areas due to changes in materials, construction techniques, or meeting current construction codes or safety standards are authorized under this permit. Any connecting road expansion or alteration associated with such replacement or modification must be authorized by a separate general or individual permit under Part IV of Chapter 373, F.S., as applicable, before the start of construction; and
- (m) This general permit does not authorize replacement or modification of bridges or approaches which involve the construction of additional traffic lanes.

Specific Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.414(9), 373.416, 373.418, 373.419 FS. History—New 10-3-95, Amended 10-1-07.



Notice of Rights

The following information addresses the procedures to be followed if you desire an administrative hearing or other review of the 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 sections 120.569 and 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, 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 8½ 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, 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 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; 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.

Specific Authority 120.54(3), (5), F.S.

Law Implemented 120.54(5), 120.569, 120.57, F.S., 28-106.201, F.A.C.

History – New 4-1-97, Amended 9-17-98, Chapter 28 revised 1-15-2007.

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 News-Journal Legal Ads

cables@pnj.com Contact person: Claudia Ables

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 Joy Giddens at 850-415-9486

Contact me, Joy Giddens, at 850-415-9505 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 1452 was issued on January 31, 2013, to Florida Department of Transportation for the demolition of an existing 2 lane bridge on an unnamed tributary of the Escambia River and the construction of a new 2 lane bridge with shoulders to replace the demolished bridge. Located at 6670 Brickyard Road, Molino, Escambia County.

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, 800 Hospital Drive, 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.

NWFWMD

ERP Permit Number

1452

Project Name: Brickyard Road Bridge Replacement Escambia
Issue Date: January 31, 2013
Construction Expiration Date: January 31, 2018

Northwest Florida Water Management District ♦ Bureau of Environmental Resource Regulation
800 Hospital Drive ♦ Crestview, Florida 32539 ♦ 850-683-5044