



Jeb Bush
Governor

Department of Environmental Protection

Tallahassee Branch Office
2815 Remington Green Circle, Suite A
Tallahassee, Florida 32308-1513

RECEIVED
Colleen Castille
Secretary

APR 12 2004

Environmental Management

WETLAND RESOURCE PERMIT

PERMITEE/AUTHORIZED ENTITY:

Frank Roberts
Florida Department of Transportation
Post Office Box 607
Chipley, Florida 32428

Permit Number: 19-0225252-001-DF
Date of Issue: April 8, 2004
Expiration Date: April 8, 2009
County: Franklin
Project: Road Improvement

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. Pursuant to Operating Agreements executed between the Department and the Water Management Districts, as referenced in Chapter 62-113, F.A.C., the Department is responsible for reviewing and taking final agency action on this activity.

ACTIVITY DESCRIPTION:

This project is to mill and resurface a portion of State Roads 65, from State Road 30 to The Liberty County line. The cross-slope of the road will be corrected to meet Florida Department of Transportation (FDOT) standards and five-foot shoulders will be added. All cross-drains will be replaced and extended to meet FDOT requirements. Mitigation for 2.27 acres of wetland impacts will include restoration and enhancement of wetland areas in the Doyle Creek area of Tate's Hell Swamp. All construction shall be in accordance with the enclosed drawings

ACTIVITY LOCATION:

This project is located at State Roads 65, from State Road 30 to The Liberty County line, in Sections 30 and 31, Township 5 South, Ranges 7 West; Sections 6, 7, 18, 19, 30, and 31, Townships 6 South, Ranges 7 West; Sections 6, 7, 18, 19, 20, 27, 28, 29, 34, 35, and 36, Township 7 South, Ranges 7 West; Sections 30, 32, and 33, Township 7 South, Ranges 6 West; Sections 3, 4, 10, 15, and 22, Township 8 South, Ranges 6 West Franklin County, Latitude 29° 50' 00" and Longitude 084° 55' 00" in the waters and wetlands associates with an unnamed streams, Class III Waters of the State.

This activity does not require a proprietary authorization, as the activity is not 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 Department has the responsibility to review and take final action on this request for proprietary authorization in accordance with Section 18-21.0051 and the Operating Agreements executed between the Department and the Water Management Districts, as referenced in Chapter 62-113, F.A.C. In addition to the above, this proprietary authorization has been reviewed in accordance with Chapter 253 and Chapter 258 (Aquatic Preserves), F.S., Chapter 18-20 (Aquatic Preserve), Chapter 18-21, Section 62-312.065, F.A.C., and the policies of the Board of Trustees.

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 attached General Conditions and 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.

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, 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, as 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 Department approves the transfer.

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. The permittee is hereby advised that Florida law states: "No person shall commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund or the Department of Environmental Protection under Chapter 253, until such person has received from the Board of Trustees of the Internal Improvement Trust Fund the required lease, license, easement, or other form of consent authorizing the proposed use." Pursuant to Florida Administrative Code Rule 18-14, if such work is done without consent, or if a person otherwise damages state land or products of state land, the Board of Trustees may levy administrative fines of up to \$10,000 per offense.

2. If historical or archaeological artifacts, such as Indian canoes, are discovered at any time within the project site the permittee shall immediately notify the district office and the Bureau of

Historic Preservation, Division of Historical Resources, R. A. Gray Building, 500 S. Bronough St., Tallahassee, Florida 32399-0250.

3. At least 48 hours prior to commencement of work authorized by this permit, the permittee shall notify the Department of Environmental Protection, Northwest District Branch Office (Tallahassee), in writing of this commencement.
4. An effective means of turbidity control, such as, but not limited to, turbidity curtains, shall be employed during all operations that may create turbidity in excess of background, as provided in Chapter 62-4 of the Florida Administrative Code. Turbidity control structures shall remain in place until all turbidity has subsided.
5. The following measures shall be taken immediately by the permittee whenever turbidity levels within Waters of the State surrounding the project site exceed State water quality standards established pursuant to Rule 62-302, F.A.C.
 - a. Immediately cease all work contributing to the water quality violation.
 - b. Stabilize all exposed soils contributing to the violation, modify the work procedures that were responsible for the violation, and install more turbidity containment devices and repair any non-functioning turbidity containment devices.
6. The permittee shall notify the Department within 24 hours of the time any violation is detected. The Department telephone number for reporting problems, malfunctions or exceedances under this permit is (850) 488-3704, day or night, and for emergencies involving a significant threat to human health or the environment, the number is (850) 488-1320.
7. The permittee and its contractors shall adhere to the standard specifications for prevention, control and abatement of erosion and water pollution, as stated in Section 104 of the Florida Department of Transportation - Standard Specifications for Road and Bridge Construction, and to any stricter standards as required by the specific conditions of this permit.
8. Best management practices for controlling erosion and turbidity, including but not limited to the use of staked silt screens, staked hay bales, turbidity curtains, staked filter cloth, equipment mats, coffer dams, flume pipes and pumps shall be utilized and maintained at all times during project construction to prevent erosion, sedimentation and the discharge of turbid water (greater than or equal to 29 NTUs) above natural background levels into wetlands and other Waters of the State outside of the authorized areas of impact. These erosion and turbidity control devices shall be installed prior to the commencement of construction in any given area and maintained until post-construction stabilization has been achieved in the area. If, as a result of construction activities associated with this project, turbidity levels in waters or wetlands

outside of the authorized areas of impact are elevated above ambient in Outstanding Florida Waters (OFWs), or elevated by 29 or more NTUs above natural background levels in other Waters of the State, the permittee shall notify the Northwest District Branch Office of this situation within 24 hours, construction activities shall cease in that section of the project, and immediate corrective action shall be taken by the permittee and its contractors. Construction shall not begin again in that area until the erosion control devices have been adequately enhanced and turbidity levels are reduced to natural background levels for OFWs or to within 29 NTUs of natural background levels for other waters.

9. No permanent dewatering shall occur as a result of this project. If temporary dewatering is necessary, it shall be accomplished by pumping the water into functional, upland detention areas. The capacity of the ponds and the management of pumping rates and discharges shall be adequate to control erosion and turbidity in wetlands such that the turbidity level of the effluent above ambient is less than 29 NTUs above natural background levels in other Waters of the State.

10. Prior to the initiation of any dewatering, it may be necessary to apply for a consumptive or water use permit from the appropriate water management district. The permittee is cautioned that a minimum of 90 days is required for consideration of the consumptive water use permit application.

11. The permittee shall stabilize all wetland and upland areas disturbed by construction activities. All exposed and disturbed areas shall be stabilized with sod, seed, or mulch immediately following the completion of final grade at the project site to prevent erosion.

12. The construction limits shall be clearly marked with highly visible flagging and signs and shall be maintained in a visible and legible state for the duration of the construction activities. There shall be no storage or stocking of tools or material (i.e. lumber, pilings, debris, etc.) within Waters of the State unless specifically approved in the permit.

13. No fueling, hazardous materials, chemicals, fuels or lubricants storage shall occur within 100 ft. of Waters of the State.

14. All other necessary State, Federal, or Local permits shall be applied for and received prior to the start of work.

15. This permit does not constitute any approval of stormwater or surface water management systems; approvals for these activities must be obtained separately.

16. Mitigation for the wetland impacts of this project were address and approved in a Department Final Order, OGC Number 04-0106 which approved twenty five acres of wetland restoration in Tate's Hell Swamp.

This permit is hereby granted unless a petition for an administrative proceeding (hearing) is filed pursuant to the provisions of Section 120.57, F.S., and Rule 62-103, F.A.C.

A person whose substantial interests are affected by the Department's proposed decisions in this permit may petition for an administrative proceeding (hearing) in accordance with Section 120.57, F.S. Petitions filed by the permit applicant and the parties listed below must be filed within 14 days of receipt of this intent. Petitions filed by other persons must be filed within 14 days of publication of the public notice or within 14 days of their receipt of this intent, whichever first occurs. Third party petitioners shall mail a copy of the petition to the applicant 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 must be filed in or received by the:

Department of Environmental Protection
Office of General Counsel, Mail Station 35
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000


The petition must contain the information set forth below:

- (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number 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 will constitute a renewed determination of the Department's decision on the application. Accordingly, the Department's final action may be different from the position taken by it in this intent. Persons whose substantial interests will be affected by any decision of the Department with regard to the application 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 14 days of receipt of this intent, in the Office of General Counsel at the above address. 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 Rules 28-5.207 and 60Q-2.010, F.A.C.

Issued this 8th day of April, 2004
Expiration Date: April 8, 2009

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



G.P. Neubauer
Branch Office Manager

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 April 8, 2004 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.

 4-8-04
Clerk Date

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NOTICE OF AGENCY ACTION

The Department of Environmental Protection gives notice of its issuance of a permit (File Number 19-0225252-001-DF) to Florida Department of Transportation to mill and resurface a portion of State Roads 65, from State Road 30 to The Liberty County line. The cross-slope of the road will be corrected to meet Florida Department of Transportation (FDOT) standards and five-foot shoulders will be added. All cross-drains will be replaced and extended to meet FDOT requirements. Mitigation for 2.27 acres of wetland impacts will include restoration and enhancement of wetland areas in the Doyle Creek area of Tate's Hell Swamp. The project is located at State Roads 65, from State Road 30 to The Liberty County line, in Sections 30 and 31, Township 5 South, Ranges 7 West; Sections 6, 7, 18, 19, 30, and 31, Townships 6 South, Ranges 7 West; Sections 6, 7, 18, 19, 20, 27, 28, 29, 34, 35, and 36, Township 7 South, Ranges 7 West; Sections 30, 32, and 33, Township 7 South, Ranges 6 West; Sections 3, 4, 10, 15, and 22, Township 8 South, Ranges 6 West Franklin County, Latitude 29° 50' 00" and Longitude 084° 55' 00" in the waters and wetlands associates with an unnamed streams, Class III Waters of the State.

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, Florida Statutes (F.S.). 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), F.A.C., 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, F.A.C.

Petitions must be filed within **21 days** of publication of this notice. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within **21 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, F.S.

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, F.A.C.

Under Sections 120.569(2)(c) and (d), F.S., 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.

The application is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Tallahassee Branch Office of the Department of Environmental Protection, 2815 Remington Green Circle, Suite A, Tallahassee, Florida 32308-1513.