



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
TALLAHASSEE REGULATORY FIELD OFFICE
2051 EAST DIRAC DRIVE, SUITE 123H
TALLAHASSEE, FLORIDA 32310-3760

REPLY TO
ATTENTION OF

February 6, 2003

Regulatory Division
North Permits Branch
Tallahassee Regulatory Office
200205047 (NW-JWS)

Florida Department of Transportation
c/o Frank Roberts
P.O. Box 607
Chipley, Florida 32420

RECEIVED

FEB 10 2003

Environmental Management

Dear Mr. Roberts:

Reference is made to your Department of the Army permit, application number 200205047 (NW-JWS), requesting authorization to discharge permanent fill over 0.19 acres of wetlands for the construction/widening of a bridge/approaches and construction of a temporary road crossing (0.10 acres) over Silver Lake Creek. The project is located on Roberts Landing Road, Section 03, Township 05 South, Range 04 West, Sopchoppy, Wakulla County, Florida.

This verifies that your fill proposal is authorized by Nationwide Permit Number 14.

All mitigation requirements shall be adhered to and implemented as outlined in the attached 15-page Regional Mitigation Plan for Tates Hall State Forest, as provided by the Northwest Florida Water Management District (NWFWD).

The Nationwide Permit authorization is approved in accordance with our regulations as stated in the January 15, 2002, Federal Register, Notice of Issuance of Nationwide Permits (67 FR 2328). This verification is valid for two years from the date of this letter, unless this Nationwide Permit is modified, reissued or revoked. It is incumbent on you to remain informed of changes in these nationwide permits. We will issue a public notice announcing any changes when they occur.

In the event that you have not completed the project within the construction window, reverification of your proposed work through the normal application review process will be required. A separate Department of the Army permit is not required providing

the work is done in accordance with the enclosed drawings and the nationwide permit conditions (copy enclosed).

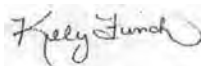
This letter does not obviate the requirement to obtain any State or local permits, which may be necessary for your proposed work.

In Florida, projects qualifying for this NWP must be authorized under Part IV of Chapter 373 by the Department of Environmental Protection, a water management district under s. 373.069, F.S., or a local government with delegated authority under s. 373.441, F.S. and receive Water Quality Certification (WQC) and Coastal Zone Consistency Concurrence (CZCC) or waiver thereto, as well as any authorizations required for the use of sovereignty submerged lands that must be obtained as part of the associated WQC or CZCC. You should check State permitting requirements with the Florida Department of Environmental Protection (FDEP) at (850) 488-3704 or the appropriate Water Management District (WMD).

A nationwide permit verification does not give absolute authority to perform the work as specified on your application. The proposed work may be subject to local building permits to determine if your site is located in a flood-prone or floodway area, and if you must comply with the local building requirements mandated by the National Flood Insurance Program. If the local office cannot provide you the necessary information, you may provide this office a letter with a small-scale map showing the location of the site, requesting a flood-hazard evaluation of the site. The request should be addressed to the U.S. Army Corps of Engineers, Flood Control and Floodplain Management Branch, Attn: CESAM-PD-FS, P.O. Box 2288, Mobile, Alabama 36628-0001.

Thank you for your cooperation with our regulatory program. If you have any questions, please contact Jason Steele at (850) 576-0790.

Sincerely,



for Marie G. Burns
Chief, North Permits Branch

Enclosures:

Nationwide Permit Number 14
Nationwide General Conditions
Mitigation Requirements/Special Conditions
Self-Certification Statement
Request for Permit Transfer
Permit Drawings
Regional Mitigation Plan (drafted by NFWWMD)

Copy Furnished:

EC Driver & Associates, Inc. (Attn: Donald Padgett)
7119 Beech Ridge Trail
Tallahassee, Florida 32312-5075

NFWWMD (Attn: Duncan Cairns)
81 Water Management Drive
Havana, Florida 32333

CESAJ-RD-E (Attn: Alice Kirkland)
P.O. Box 4970
Jacksonville, Florida 32232-0019

elevations (e.g., at grade corduroy roads or geotextile/gravel roads). Access roads constructed above preconstruction contours and elevations in waters of the US must be properly bridged or culverted to maintain surface flows.

The term "utility line" does not include activities which drain a water of the US, such as drainage tile, or french drains; however, it does apply to pipes conveying drainage from another area. For the purposes of this NWP, the loss of waters of the US includes the filled area plus waters of the US that are adversely affected by flooding, excavation, or drainage as a result of the project. Activities authorized by paragraph (i) through (iv) may not exceed a total of 1/2-acre loss of waters of the US. Waters of the US temporarily affected by filling, flooding, excavation, or drainage, where the project area is restored to preconstruction contours and elevation, is not included in the calculation of permanent loss of waters of the US. This includes temporary construction mats (e.g., timber, steel, geotextile) used during construction and removed upon completion of the work. Where certain functions and values of waters of the US are permanently adversely affected, such as the conversion of a forested wetland to a herbaceous wetland in the permanently maintained utility line right-of-way, mitigation will be required to reduce the adverse effects of the project to the minimal level.

Mechanized land clearing necessary for the construction, maintenance, or repair of utility lines and the construction, maintenance and expansion of utility line substations, foundations for overhead utility lines, and access roads is authorized, provided the cleared area is kept to the minimum necessary and preconstruction contours are maintained as near as possible. The area of waters of the US that is filled, excavated, or flooded must be limited to the minimum necessary to construct the utility line, substations, foundations, and access roads. Excess material must be removed to upland areas immediately upon completion of construction. This NWP may authorize utility lines in or affecting navigable waters of the US even if there is no associated discharge of dredged or fill material (See 33 CFR part 322).

Notification: The permittee must notify the District Engineer in accordance with General Condition 13, if any of the following criteria are met:

- (a) Mechanized land clearing in a forested wetland for the utility line right-of-way;
- (b) A Section 10 permit is required;

(c) The utility line in waters of the US, excluding overhead lines, exceeds 500 feet;

(d) The utility line is placed within a jurisdictional area (i.e., water of the US), and it runs parallel to a stream bed that is within that jurisdictional area;

(e) Discharges associated with the construction of utility line substations that result in the loss of greater than 1/10-acre of waters of the US; or

(f) Permanent access roads constructed above grade in waters of the US for a distance of more than 500 feet.

(g) Permanent access roads constructed in waters of the US with impervious materials. (Sections 10 and 404)

Note 1: Overhead utility lines constructed over Section 10 waters and utility lines that are routed in or under Section 10 waters without a discharge of dredged or fill material require a Section 10 permit; except for pipes or pipelines used to transport gaseous, liquid, liquescent, or slurry substances over navigable waters of the US, which are considered to be bridges, not utility lines, and may require a permit from the USCG pursuant to section 9 of the Rivers and Harbors Act of 1899. However, any discharges of dredged or fill material associated with such pipelines will require a Corps permit under Section 404.

Note 2: Access roads used for both construction and maintenance may be authorized, provided they meet the terms and conditions of this NWP. Access roads used solely for construction of the utility line must be removed upon completion of the work and the area restored to preconstruction contours, elevations, and wetland conditions. Temporary access roads for construction may be authorized by NWP 33.

Note 3: Where the proposed utility line is constructed or installed in navigable waters of the US (i.e., Section 10 waters), copies of the PCN and NWP verification will be sent by the Corps to the National Oceanic and Atmospheric Administration (NOAA), National Ocean Service (NOS), for charting the utility line to protect navigation.

13. Bank Stabilization. Bank stabilization activities necessary for erosion prevention provided the activity meets all of the following criteria:

- a. No material is placed more than the minimum needed for erosion protection;
- b. The bank stabilization activity is less than 500 feet in length;
- c. The activity will not exceed an average of one cubic yard per running foot placed along the bank below the plane of the ordinary high water mark or the high tide line;
- d. No material is placed in any special aquatic site, including wetlands;
- e. No material is of the type, or is placed in any location, or in any manner, to impair surface water flow into or out of any wetland area;
- f. No material is placed in a manner that will be eroded by normal or

expected high flows (properly anchored trees and treetops may be used in low energy areas); and,

g. The activity is part of a single and complete project.

Bank stabilization activities in excess of 500 feet in length or greater than an average of one cubic yard per running foot may be authorized if the permittee notifies the District Engineer in accordance with the "Notification" General Condition 13 and the District Engineer determines the activity complies with the other terms and conditions of the NWP and the adverse environmental effects are minimal both individually and cumulatively. This NWP may not be used for the channelization of waters of the US. (Sections 10 and 404)

14. Linear Transportation Projects. Activities required for the construction, expansion, modification, or improvement of linear transportation crossings (e.g., highways, railways, trails, airport runways, and taxiways) in waters of the US, including wetlands, if the activity meets the following criteria:

- a. This NWP is subject to the following acreage limits:
 - (1) For linear transportation projects in non-tidal waters, provided the discharge does not cause the loss of greater than 1/2-acre of waters of the US;
 - (2) For linear transportation projects in tidal waters, provided the discharge does not cause the loss of greater than 1/2-acre of waters of the US.
- b. The permittee must notify the District Engineer in accordance with General Condition 13 if any of the following criteria are met:
 - (1) The discharge causes the loss of greater than 1/10-acre of waters of the US; or
 - (2) There is a discharge in a special aquatic site, including wetlands;
- c. The notification must include a compensatory mitigation proposal to offset permanent losses of waters of the US to ensure that those losses result only in minimal adverse effects to the aquatic environment and a statement describing how temporary losses will be minimized to the maximum extent practicable;
- d. For discharges in special aquatic sites, including wetlands, and stream riffle and pool complexes, the notification must include a delineation of the affected special aquatic sites;
- e. The width of the fill is limited to the minimum necessary for the crossing;
- f. This permit does not authorize stream channelization, and the authorized activities must not cause more than minimal changes to the hydraulic flow characteristics of the stream, increase flooding, or cause more

than minimal degradation of water quality of any stream (see General Conditions 9 and 21);

g. This permit cannot be used to authorize non-linear features commonly associated with transportation projects, such as vehicle maintenance or storage buildings, parking lots, train stations, or aircraft hangars; and

h. The crossing is a single and complete project for crossing waters of the US. Where a road segment (*i.e.*, the shortest segment of a road with independent utility that is part of a larger project) has multiple crossings of streams (several single and complete projects) the Corps will consider whether it should use its discretionary authority to require an Individual Permit. (Sections 10 and 404)

Note: Some discharges for the construction of farm roads, forest roads, or temporary roads for moving mining equipment may be eligible for an exemption from the need for a Section 404 permit (see 33 CFR 323.4).

15. **U.S. Coast Guard Approved Bridges.** Discharges of dredged or fill material incidental to the construction of bridges across navigable waters of the US, including cofferdams, abutments, foundation seals, piers, and temporary construction and access fills provided such discharges have been authorized by the USCG as part of the bridge permit. Causeways and approach fills are not included in this NWP and will require an individual or regional Section 404 permit. (Section 404)

16. **Return Water From Upland Contained Disposal Areas.** Return water from upland, contained dredged material disposal area. The dredging itself may require a Section 404 permit (33 CFR 323.2(d)), but will require a Section 10 permit if located in navigable waters of the US. The return water from a contained disposal area is administratively defined as a discharge of dredged material by 33 CFR 323.2(d), even though the disposal itself occurs on the upland and does not require a Section 404 permit. This NWP satisfies the technical requirement for a Section 404 permit for the return water where the quality of the return water is controlled by the state through the Section 401 certification procedures. (Section 404)

17. **Hydropower Projects.** Discharges of dredged or fill material associated with (a) small hydropower projects at existing reservoirs where the project, which includes the fill, are licensed by the Federal Energy Regulatory Commission (FERC) under the Federal Power Act of 1920, as amended; and has a total generating capacity of not more than 5000 kW; and the permittee notifies the District Engineer in

accordance with the "Notification" General Condition; or (b) hydropower projects for which the FERC has granted an exemption from licensing pursuant to section 408 of the Energy Security Act of 1980 (16 U.S.C. 2705 and 2708) and section 30 of the Federal Power Act, as amended; provided the permittee notifies the District Engineer in accordance with the "Notification" General Condition. (Section 404)

18. **Minor Discharges.** Minor discharges of dredged or fill material into all waters of the US if the activity meets all of the following criteria:

a. The quantity of discharged material and the volume of area excavated do not exceed 25 cubic yards below the plane of the ordinary high water mark or the high tide line;

b. The discharge, including any excavated area, will not cause the loss of more than $\frac{1}{4}$ -acre of a special aquatic site, including wetlands. For the purposes of this NWP, the acreage limitation includes the filled area and excavated area plus special aquatic sites that are adversely affected by flooding and special aquatic sites that are drained so that they would no longer be a water of the US as a result of the project;

c. If the discharge, including any excavated area, exceeds 10 cubic yards below the plane of the ordinary high water mark or the high tide line or if the discharge is in a special aquatic site, including wetlands, the permittee notifies the District Engineer in accordance with the "Notification" General Condition. For discharges in special aquatic sites, including wetlands, the notification must also include a delineation of affected special aquatic sites, including wetlands (also see 33 CFR 330.1(e)); and

d. The discharge, including all attendant features, both temporary and permanent, is part of a single and complete project and is not placed for the purpose of a stream diversion. (Sections 10 and 404)

19. **Minor Dredging.** Dredging of no more than 25 cubic yards below the plane of the ordinary high water mark or the mean high water mark from navigable waters of the US (*i.e.*, Section 10 waters) as part of a single and complete project. This NWP does not authorize the dredging or degradation through siltation of coral reefs, sites that support submerged aquatic vegetation (including sites where submerged aquatic vegetation is documented to exist, but may not be present in a given year), anadromous fish spawning areas, or wetlands, or the connection of canals or other artificial waterways to

navigable waters of the US (see 33 CFR 322.5(g)). (Sections 10 and 404)

20. **Oil Spill Cleanup.** Activities required for the containment and cleanup of oil and hazardous substances which are subject to the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR part 300) provided that the work is done in accordance with the Spill Control and Countermeasure Plan required by 40 CFR 112.3 and any existing state contingency plan and provided that the Regional Response Team (if one exists in the area) concurs with the proposed containment and cleanup action. (Sections 10 and 404)

21. **Surface Coal Mining Activities.** Discharges of dredged or fill material into waters of the US associated with surface coal mining and reclamation operations provided the coal mining activities are authorized by the DOI, Office of Surface Mining (OSM), or by states with approved programs under Title V of the Surface Mining Control and Reclamation Act of 1977 and provided the permittee notifies the District Engineer in accordance with the "Notification" General Condition. In addition, to be authorized by this NWP, the District Engineer must determine that the activity complies with the terms and conditions of the NWP and that the adverse environmental effects are minimal both individually and cumulatively and must notify the project sponsor of this determination in writing. The Corps, at the discretion of the District Engineer, may require a bond to ensure success of the mitigation, if no other Federal or state agency has required one. For discharges in special aquatic sites, including wetlands, and stream riffle and pool complexes, the notification must also include a delineation of affected special aquatic sites, including wetlands. (also, see 33 CFR 330.1(e))

Mitigation: In determining the need for as well as the level and type of mitigation, the District Engineer will ensure no more than minimal adverse effects to the aquatic environment occur. As such, District Engineers will determine on a case-by-case basis the requirement for adequate mitigation to ensure the effects to aquatic systems are minimal. In cases where OSM or the state has required mitigation for the loss of aquatic habitat, the Corps may consider this in determining appropriate mitigation under Section 404. (Sections 10 and 404)

22. **Removal of Vessels.** Temporary structures or minor discharges of dredged or fill material required for the removal of wrecked, abandoned, or disabled vessels, or the removal of man-

US at the project site to the maximum extent practicable, and the notification must include a written statement detailing compliance with this condition (i.e., why the discharge must occur in waters of the US and why additional minimization cannot be achieved);

c. In addition to General Conditions 17 and 20, activities authorized by this permit must not substantially alter the sediment characteristics of areas of concentrated shellfish beds or fish spawning areas. Normally, the mandated water quality management plan should address these impacts;

d. The permittee must implement necessary measures to prevent increases in stream gradient and water velocities and to prevent adverse effects (e.g., head cutting, bank erosion) to upstream and downstream channel conditions;

e. Activities authorized by this permit must not result in adverse effects on the course, capacity, or condition of navigable waters of the US;

f. The permittee must use measures to minimize downstream turbidity;

g. Wetland impacts must be compensated through mitigation approved by the Corps;

h. Beneficiation and mineral processing for hard rock/mineral mining activities may not occur within 200 feet of the ordinary high water mark of any open waterbody. Although the Corps does not regulate discharges from these activities, a CWA section 402 permit may be required;

i. All activities authorized must comply with General Conditions 9 and 21. Further, the District Engineer may require modifications to the required water quality management plan to ensure that the authorized work results in minimal adverse effects to water quality;

j. Except for aggregate mining activities in lower perennial streams, no aggregate mining can occur within stream beds where the average annual flow is greater than 1 cubic foot per second or in waters of the US within 100 feet of the ordinary high water mark of headwater stream segments where the average annual flow of the stream is greater than 1 cubic foot per second (aggregate mining can occur in areas immediately adjacent to the ordinary high water mark of a stream where the average annual flow is 1 cubic foot per second or less);

k. Single and complete project: The discharge must be for a single and complete project, including support activities. Discharges of dredged or fill material into waters of the US for multiple mining activities on several designated parcels of a single and

complete mining operation can be authorized by this NWP provided the 1/2-acre limit is not exceeded; and

l. *Notification:* The permittee must notify the District Engineer in accordance with General Condition 13. The notification must include: (1) A description of waters of the US adversely affected by the project; (2) A written statement to the District Engineer detailing compliance with paragraph (b), above (i.e., why the discharge must occur in waters of the US and why additional minimization cannot be achieved); (3) A description of measures taken to ensure that the proposed work complies with paragraphs (c) through (f), above; and (4) A reclamation plan (for aggregate mining in isolated waters and non-tidal wetlands adjacent to headwaters and hard rock/mineral mining only).

This NWP does not authorize hard rock/mineral mining, including placer mining, in streams. No hard rock/mineral mining can occur in waters of the US within 100 feet of the ordinary high water mark of headwater streams. The term's "headwaters" and "isolated waters" are defined at 33 CFR 330.2(d) and (e), respectively. For the purposes of this NWP, the term "lower perennial stream" is defined as follows: "A stream in which the gradient is low and water velocity is slow, there is no tidal influence, some water flows throughout the year, and the substrate consists mainly of sand and mud." (Sections 10 and 404)

C. Nationwide Permit General Conditions

The following General Conditions must be followed in order for any authorization by an NWP to be valid:

1. *Navigation.* No activity may cause more than a minimal adverse effect on navigation.

2. *Proper Maintenance.* Any structure or fill authorized shall be properly maintained, including maintenance to ensure public safety.

3. *Soil Erosion and Sediment Controls.* Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow.

4. *Aquatic Life Movements.* No activity may substantially disrupt the necessary life-cycle movements of those species of aquatic life indigenous to the

waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. Culverts placed in streams must be installed to maintain low flow conditions.

5. *Equipment.* Heavy equipment working in wetlands must be placed on mats, or other measures must be taken to minimize soil disturbance.

6. *Regional and Case-By-Case Conditions.* The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)). Additionally, any case specific conditions added by the Corps or by the state or tribe in its Section 401 Water Quality Certification and Coastal Zone Management Act consistency determination.

7. *Wild and Scenic Rivers.* No activity may occur in a component of the National Wild and Scenic River System; or in a river officially designated by Congress as a "study river" for possible inclusion in the system, while the river is in an official study status; unless the appropriate Federal agency, with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation, or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency in the area (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service).

8. *Tribal Rights.* No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

9. *Water Quality.* (a) In certain states and tribal lands an individual 401 Water Quality Certification must be obtained or waived (See 33 CFR 330.4(c)).

(b) For NWPs 12, 14, 17, 18, 32, 39, 40, 42, 43, and 44, where the state or tribal 401 certification (either generically or individually) does not require or approve water quality management measures, the permittee must provide water quality management measures that will ensure that the authorized work does not result in more than minimal degradation of water quality (or the Corps determines that compliance with state or local standards, where applicable, will ensure no more than minimal adverse effect on water quality). An important component of water quality management includes stormwater management that minimizes degradation of the downstream aquatic system, including water quality (refer to General Condition 21 for stormwater

management requirements). Another important component of water quality management is the establishment and maintenance of vegetated buffers next to open waters, including streams (refer to General Condition 19 for vegetated buffer requirements for the NWP).

This condition is only applicable to projects that have the potential to affect water quality. While appropriate measures must be taken, in most cases it is not necessary to conduct detailed studies to identify such measures or to require monitoring.

10. *Coastal Zone Management.* In certain states, an individual state coastal zone management consistency concurrence must be obtained or waived (see Section 330.4(d)).

11. *Endangered Species.* (a) No activity is authorized under any NWP which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will destroy or adversely modify the critical habitat of such species. Non-federal permittees shall notify the District Engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the project, or is located in the designated critical habitat and shall not begin work on the activity until notified by the District Engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that may affect Federally-listed endangered or threatened species or designated critical habitat, the notification must include the name(s) of the endangered or threatened species that may be affected by the proposed work or that utilize the designated critical habitat that may be affected by the proposed work. As a result of formal or informal consultation with the FWS or NMFS the District Engineer may add species-specific regional endangered species conditions to the NWPs.

(b) Authorization of an activity by a NWP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the USFWS or the NMFS, both lethal and non-lethal "takes" of protected species are in violation of the ESA. Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the USFWS and NMFS or their world wide web pages at <http://www.fws.gov/r9endspp/>

[endspp.html](http://www.fws.gov/prot_res/esahome.html) and http://www.nfms.gov/prot_res/esahome.html respectively.

12. *Historic Properties.* No activity which may affect historic properties listed, or eligible for listing, in the National Register of Historic Places is authorized, until the District Engineer has complied with the provisions of 33 CFR part 325, Appendix C. The prospective permittee must notify the District Engineer if the authorized activity may affect any historic properties listed, determined to be eligible, or which the prospective permittee has reason to believe may be eligible for listing on the National Register of Historic Places, and shall not begin the activity until notified by the District Engineer that the requirements of the National Historic Preservation Act have been satisfied and that the activity is authorized. Information on the location and existence of historic resources can be obtained from the State Historic Preservation Office and the National Register of Historic Places (see 33 CFR 330.4(g)). For activities that may affect historic properties listed in, or eligible for listing in, the National Register of Historic Places, the notification must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property.

13. *Notification.*

(a) *Timing;* where required by the terms of the NWP, the prospective permittee must notify the District Engineer with a preconstruction notification (PCN) as early as possible. The District Engineer must determine if the notification is complete within 30 days of the date of receipt and can request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the District Engineer will notify the prospective permittee that the notification is still incomplete and the PCN review process will not commence until all of the requested information has been received by the District Engineer. The prospective permittee shall not begin the activity:

- (1) Until notified in writing by the District Engineer that the activity may proceed under the NWP with any special conditions imposed by the District or Division Engineer; or
- (2) If notified in writing by the District or Division Engineer that an Individual Permit is required; or
- (3) Unless 45 days have passed from the District Engineer's receipt of the complete notification and the prospective permittee has not received

written notice from the District or Division Engineer. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) *Contents of Notification:* The notification must be in writing and include the following information:

- (1) Name, address and telephone numbers of the prospective permittee;
- (2) Location of the proposed project;
- (3) Brief description of the proposed project; the project's purpose; direct and indirect adverse environmental effects the project would cause; any other NWP(s), Regional General Permit(s), or Individual Permit(s) used or intended to be used to authorize any part of the proposed project or any related activity. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP (Sketches usually clarify the project and when provided result in a quicker decision.);

(4) For NWPs 7, 12, 14, 18, 21, 34, 38, 39, 41, 42, and 43, the PCN must also include a delineation of affected special aquatic sites, including wetlands, vegetated shallows (e.g., submerged aquatic vegetation, seagrass beds), and riffle and pool complexes (see paragraph 13(f));

(5) For NWP 7 (Outfall Structures and Maintenance), the PCN must include information regarding the original design capacities and configurations of those areas of the facility where maintenance dredging or excavation is proposed;

(6) For NWP 14 (Linear Transportation Crossings), the PCN must include a compensatory mitigation proposal to offset permanent losses of waters of the US and a statement describing how temporary losses of waters of the US will be minimized to the maximum extent practicable;

(7) For NWP 21 (Surface Coal Mining Activities), the PCN must include an Office of Surface Mining (OSM) or state-approved mitigation plan, if applicable. **To be authorized by this NWP, the District Engineer must determine that the activity complies with the terms and conditions of the NWP and that the adverse environmental effects are minimal both individually and cumulatively and must notify the project sponsor of this determination in writing;**

(8) For NWP 27 (Stream and Wetland Restoration), the PCN must include documentation of the prior condition of the site that will be reverted by the permittee;

(9) For NWP 29 (Single-Family Housing), the PCN must also include:

(i) Any past use of this NWP by the Individual Permittee and/or the permittee's spouse;

(ii) A statement that the single-family housing activity is for a personal residence of the permittee;

(iii) A description of the entire parcel, including its size, and a delineation of wetlands. For the purpose of this NWP, parcels of land measuring ¼-acre or less will not require a formal on-site delineation. However, the applicant shall provide an indication of where the wetlands are and the amount of wetlands that exists on the property. For parcels greater than ¼-acre in size, formal wetland delineation must be prepared in accordance with the current method required by the Corps. (See paragraph 13(f));

(iv) A written description of all land (including, if available, legal descriptions) owned by the prospective permittee and/or the prospective permittee's spouse, within a one mile radius of the parcel, in any form of ownership (including any land owned as a partner, corporation, joint tenant, co-tenant, or as a tenant-by-the-entirety) and any land on which a purchase and sale agreement or other contract for sale or purchase has been executed;

(10) For NWP 31 (Maintenance of Existing Flood Control Projects), the prospective permittee must either notify the District Engineer with a PCN prior to each maintenance activity or submit a five year (or less) maintenance plan. In addition, the PCN must include all of the following:

(i) Sufficient baseline information identifying the approved channel depths and configurations and existing facilities. Minor deviations are authorized, provided the approved flood control protection or drainage is not increased;

(ii) A delineation of any affected special aquatic sites, including wetlands; and,

(iii) Location of the dredged material disposal site;

(11) For NWP 33 (Temporary Construction, Access, and Dewatering), the PCN must also include a restoration plan of reasonable measures to avoid and minimize adverse effects to aquatic resources;

(12) For NWPs 39, 43 and 44, the PCN must also include a written statement to the District Engineer explaining how avoidance and minimization for losses of waters of the US were achieved on the project site;

(13) For NWP 39 and NWP 42, the PCN must include a compensatory mitigation proposal to offset losses of

waters of the US or justification explaining why compensatory mitigation should not be required. For discharges that cause the loss of greater than 300 linear feet of an intermittent stream bed, to be authorized, the District Engineer must determine that the activity complies with the other terms and conditions of the NWP, determine adverse environmental effects are minimal both individually and cumulatively, and waive the limitation on stream impacts in writing before the permittee may proceed;

(14) For NWP 40 (Agricultural Activities), the PCN must include a compensatory mitigation proposal to offset losses of waters of the US. This NWP does not authorize the relocation of greater than 300 linear-feet of existing serviceable drainage ditches constructed in non-tidal streams unless, for drainage ditches constructed in intermittent non-tidal streams, the District Engineer waives this criterion in writing, and the District Engineer has determined that the project complies with all terms and conditions of this NWP, and that any adverse impacts of the project on the aquatic environment are minimal, both individually and cumulatively;

(15) For NWP 43 (Stormwater Management Facilities), the PCN must include, for the construction of new stormwater management facilities, a maintenance plan (in accordance with state and local requirements, if applicable) and a compensatory mitigation proposal to offset losses of waters of the US. For discharges that cause the loss of greater than 300 linear feet of an intermittent stream bed, to be authorized, the District Engineer must determine that the activity complies with the other terms and conditions of the NWP, determine adverse environmental effects are minimal both individually and cumulatively, and waive the limitation on stream impacts in writing before the permittee may proceed;

(16) For NWP 44 (Mining Activities), the PCN must include a description of all waters of the US adversely affected by the project, a description of measures taken to minimize adverse effects to waters of the US, a description of measures taken to comply with the criteria of the NWP, and a reclamation plan (for all aggregate mining activities in isolated waters and non-tidal wetlands adjacent to headwaters and any hard rock/mineral mining activities);

(17) For activities that may adversely affect Federally-listed endangered or threatened species, the PCN must include the name(s) of those endangered or threatened species that may be

affected by the proposed work or utilize the designated critical habitat that may be affected by the proposed work; and

(18) For activities that may affect historic properties listed in, or eligible for listing in, the National Register of Historic Places, the PCN must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property.

(c) *Form of Notification:* The standard Individual Permit application form (Form ENG 4345) may be used as the notification but must clearly indicate that it is a PCN and must include all of the information required in (b) (1)-(18) of General Condition 13. A letter containing the requisite information may also be used.

(d) *District Engineer's Decision:* In reviewing the PCN for the proposed activity, the District Engineer will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. The prospective permittee may submit a proposed mitigation plan with the PCN to expedite the process. The District Engineer will consider any proposed compensatory mitigation the applicant has included in the proposal in determining whether the net adverse environmental effects to the aquatic environment of the proposed work are minimal. If the District Engineer determines that the activity complies with the terms and conditions of the NWP and that the adverse effects on the aquatic environment are minimal, after considering mitigation, the District Engineer will notify the permittee and include any conditions the District Engineer deems necessary. The District Engineer must approve any compensatory mitigation proposal before the permittee commences work. If the prospective permittee is required to submit a compensatory mitigation proposal with the PCN, the proposal may be either conceptual or detailed. If the prospective permittee elects to submit a compensatory mitigation plan with the PCN, the District Engineer will expeditiously review the proposed compensatory mitigation plan. The District Engineer must review the plan within 45 days of receiving a complete PCN and determine whether the conceptual or specific proposed mitigation would ensure no more than minimal adverse effects on the aquatic environment. If the net adverse effects of the project on the aquatic environment (after consideration of the compensatory mitigation proposal) are determined by the District Engineer to

be minimal, the District Engineer will provide a timely written response to the applicant. The response will state that the project can proceed under the terms and conditions of the NWP.

If the District Engineer determines that the adverse effects of the proposed work are more than minimal, then the District Engineer will notify the applicant either: (1) That the project does not qualify for authorization under the NWP and instruct the applicant on the procedures to seek authorization under an Individual Permit; (2) that the project is authorized under the NWP subject to the applicant's submission of a mitigation proposal that would reduce the adverse effects on the aquatic environment to the minimal level; or (3) that the project is authorized under the NWP with specific modifications or conditions. Where the District Engineer determines that mitigation is required to ensure no more than minimal adverse effects occur to the aquatic environment, the activity will be authorized within the 45-day PCN period. The authorization will include the necessary conceptual or specific mitigation or a requirement that the applicant submit a mitigation proposal that would reduce the adverse effects on the aquatic environment to the minimal level. When conceptual mitigation is included, or a mitigation plan is required under item (2) above, no work in waters of the US will occur until the District Engineer has approved a specific mitigation plan.

(e) *Agency Coordination:* The District Engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the project's adverse environmental effects to a minimal level.

For activities requiring notification to the District Engineer that result in the loss of greater than 1/2-acre of waters of the US, the District Engineer will provide immediately (e.g., via facsimile transmission, overnight mail, or other expeditious manner) a copy to the appropriate Federal or state offices (USFWS, state natural resource or water quality agency, EPA, State Historic Preservation Officer (SHPO), and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will then have 10 calendar days from the date the material is transmitted to telephone or fax the District Engineer notice that they intend to provide substantive, site-specific comments. If so contacted by an agency, the District Engineer will wait an additional 15 calendar days before making a decision

on the notification. The District Engineer will fully consider agency comments received within the specified time frame, but will provide no response to the resource agency, except as provided below. The District Engineer will indicate in the administrative record associated with each notification that the resource agencies' concerns were considered. As required by section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act, the District Engineer will provide a response to NMFS within 30 days of receipt of any Essential Fish Habitat conservation recommendations. Applicants are encouraged to provide the Corps multiple copies of notifications to expedite agency notification.

(f) *Wetland Delineations:* Wetland delineations must be prepared in accordance with the current method required by the Corps (For NWP 29 see paragraph (b)(9)(iii) for parcels less than 1/4-acre in size). The permittee may ask the Corps to delineate the special aquatic site. There may be some delay if the Corps does the delineation. Furthermore, the 45-day period will not start until the wetland delineation has been completed and submitted to the Corps, where appropriate.

14. *Compliance Certification.* Every permittee who has received NWP verification from the Corps will submit a signed certification regarding the completed work and any required mitigation. The certification will be forwarded by the Corps with the authorization letter and will include:

- (a) A statement that the authorized work was done in accordance with the Corps authorization, including any general or specific conditions;
- (b) A statement that any required mitigation was completed in accordance with the permit conditions; and
- (c) The signature of the permittee certifying the completion of the work and mitigation.

15. *Use of Multiple Nationwide Permits.* The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the US authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit (e.g. if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the US for the total project cannot exceed 1/2-acre).

16. *Water Supply Intakes.* No activity, including structures and work in navigable waters of the US or discharges of dredged or fill material, may occur in

the proximity of a public water supply intake except where the activity is for repair of the public water supply intake structures or adjacent bank stabilization.

17. *Shellfish Beds.* No activity, including structures and work in navigable waters of the US or discharges of dredged or fill material, may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWP 4.

18. *Suitable Material.* No activity, including structures and work in navigable waters of the US or discharges of dredged or fill material, may consist of unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.) and material used for construction or discharged must be free from toxic pollutants in toxic amounts (see section 307 of the CWA).

19. *Mitigation.* The District Engineer will consider the factors discussed below when determining the acceptability of appropriate and practicable mitigation necessary to offset adverse effects on the aquatic environment that are more than minimal.

(a) The project must be designed and constructed to avoid and minimize adverse effects to waters of the US to the maximum extent practicable at the project site (i.e., on site).

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing or compensating) will be required to the extent necessary to ensure that the adverse effects to the aquatic environment are minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland impacts requiring a PCN, unless the District Engineer determines in writing that some other form of mitigation would be more environmentally appropriate and provides a project-specific waiver of this requirement. Consistent with National policy, the District Engineer will establish a preference for restoration of wetlands as compensatory mitigation, with preservation used only in exceptional circumstances.

(d) Compensatory mitigation (i.e., replacement or substitution of aquatic resources for those impacted) will not be used to increase the acreage losses allowed by the acreage limits of some of the NWPs. For example, 1/4-acre of wetlands cannot be created to change a 3/4-acre loss of wetlands to a 1/2-acre loss associated with NWP 39 verification. However, 1/2-acre of created wetlands can be used to reduce the impacts of a 1/2-acre loss of wetlands to the minimum impact level in order to meet the

minimal impact requirement associated with NWP's.

(e) To be practicable, the mitigation must be available and capable of being done considering costs, existing technology, and logistics in light of the overall project purposes. Examples of mitigation that may be appropriate and practicable include, but are not limited to: reducing the size of the project; establishing and maintaining wetland or upland vegetated buffers to protect open waters such as streams; and replacing losses of aquatic resource functions and values by creating, restoring, enhancing, or preserving similar functions and values, preferably in the same watershed.

(f) Compensatory mitigation plans for projects in or near streams or other open waters will normally include a requirement for the establishment, maintenance, and legal protection (e.g., easements, deed restrictions) of vegetated buffers to open waters. In many cases, vegetated buffers will be the only compensatory mitigation required. Vegetated buffers should consist of native species. The width of the vegetated buffers required will address documented water quality or aquatic habitat loss concerns. Normally, the vegetated buffer will be 25 to 50 feet wide on each side of the stream, but the District Engineers may require slightly wider vegetated buffers to address documented water quality or habitat loss concerns. Where both wetlands and open waters exist on the project site, the Corps will determine the appropriate compensatory mitigation (e.g., stream buffers or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where vegetated buffers are determined to be the most appropriate form of compensatory mitigation, the District Engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland impacts.

(g) Compensatory mitigation proposals submitted with the "notification" may be either conceptual or detailed. If conceptual plans are approved under the verification, then the Corps will condition the verification to require detailed plans be submitted and approved by the Corps prior to construction of the authorized activity in waters of the US.

(h) Permittees may propose the use of mitigation banks, in-lieu fee arrangements or separate activity-specific compensatory mitigation. In all cases that require compensatory mitigation, the mitigation provisions will specify the party responsible for

accomplishing and/or complying with the mitigation plan.

20. *Spawning Areas.* Activities, including structures and work in navigable waters of the US or discharges of dredged or fill material, in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., excavate, fill, or smother downstream by substantial turbidity) of an important spawning area are not authorized.

21. *Management of Water Flows.* To the maximum extent practicable, the activity must be designed to maintain preconstruction downstream flow conditions (e.g., location, capacity, and flow rates). Furthermore, the activity must not permanently restrict or impede the passage of normal or expected high flows (unless the primary purpose of the fill is to impound waters) and the structure or discharge of dredged or fill material must withstand expected high flows. The activity must, to the maximum extent practicable, provide for retaining excess flows from the site, provide for maintaining surface flow rates from the site similar to preconstruction conditions, and provide for not increasing water flows from the project site, relocating water, or redirecting water flow beyond preconstruction conditions. Stream channelizing will be reduced to the minimal amount necessary, and the activity must, to the maximum extent practicable, reduce adverse effects such as flooding or erosion downstream and upstream of the project site, unless the activity is part of a larger system designed to manage water flows. In most cases, it will not be a requirement to conduct detailed studies and monitoring of water flow.

This condition is only applicable to projects that have the potential to affect waterflows. While appropriate measures must be taken, it is not necessary to conduct detailed studies to identify such measures or require monitoring to ensure their effectiveness. Normally, the Corps will defer to state and local authorities regarding management of water flow.

22. *Adverse Effects From Impoundments.* If the activity creates an impoundment of water, adverse effects to the aquatic system due to the acceleration of the passage of water, and/or the restricting its flow shall be minimized to the maximum extent practicable. This includes structures and work in navigable waters of the US, or discharges of dredged or fill material.

23. *Waterfowl Breeding Areas.* Activities, including structures and work in navigable waters of the US or

discharges of dredged or fill material, into breeding areas for migratory waterfowl must be avoided to the maximum extent practicable.

24. *Removal of Temporary Fills.* Any temporary fills must be removed in their entirety and the affected areas returned to their preexisting elevation.

25. *Designated Critical Resource Waters.* Critical resource waters include, NOAA-designated marine sanctuaries, National Estuarine Research Reserves, National Wild and Scenic Rivers, critical habitat for Federally listed threatened and endangered species, coral reefs, state natural heritage sites, and outstanding national resource waters or other waters officially designated by a state as having particular environmental or ecological significance and identified by the District Engineer after notice and opportunity for public comment. The District Engineer may also designate additional critical resource waters after notice and opportunity for comment.

(a) Except as noted below, discharges of dredged or fill material into waters of the US are not authorized by NWP's 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, and 44 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters. Discharges of dredged or fill materials into waters of the US may be authorized by the above NWP's in National Wild and Scenic Rivers if the activity complies with General Condition 7. Further, such discharges may be authorized in designated critical habitat for Federally listed threatened or endangered species if the activity complies with General Condition 11 and the USFWS or the NMFS has concurred in a determination of compliance with this condition.

(b) For NWP's 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, and 38, notification is required in accordance with General Condition 13, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The District Engineer may authorize activities under these NWP's only after it is determined that the impacts to the critical resource waters will be no more than minimal.

26. *Fills Within 100-Year Floodplains.* For purposes of this General Condition, 100-year floodplains will be identified through the existing Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or FEMA-approved local floodplain maps.

(a) *Discharges in Floodplain; Below Headwaters.* Discharges of dredged or fill material into waters of the US within the mapped 100-year floodplain, below

headwaters (i.e. five cfs), resulting in permanent above-grade fills, are not authorized by NWP's 39, 40, 42, 43, and 44.

(b) *Discharges in Floodway; Above Headwaters.* Discharges of dredged or fill material into waters of the US within the FEMA or locally mapped floodway, resulting in permanent above-grade fills, are not authorized by NWP's 39, 40, 42, and 44.

(c) The permittee must comply with any applicable FEMA-approved state or local floodplain management requirements.

27. *Construction Period.* For activities that have not been verified by the Corps and the project was commenced or under contract to commence by the expiration date of the NWP (or modification or revocation date), the work must be completed within 12-months after such date (including any modification that affects the project).

For activities that have been verified and the project was commenced or under contract to commence within the verification period, the work must be completed by the date determined by the Corps.

For projects that have been verified by the Corps, an extension of a Corps approved completion date maybe requested. This request must be submitted at least one month before the previously approved completion date:

D. Further Information

1. District Engineers have authority to determine if an activity complies with the terms and conditions of an NWP.

2. NWP's do not obviate the need to obtain other Federal, state, or local permits, approvals, or authorizations required by law.

3. NWP's do not grant any property rights or exclusive privileges.

4. NWP's do not authorize any injury to the property or rights of others.

5. NWP's do not authorize interference with any existing or proposed Federal project.

E. Definitions

Best Management Practices (BMPs): BMPs are policies, practices, procedures, or structures implemented to mitigate the adverse environmental effects on surface water quality resulting from development. BMPs are categorized as structural or non-structural. A BMP policy may affect the limits on a development.

Compensatory Mitigation: For purposes of Section 10/404, compensatory mitigation is the restoration, creation, enhancement, or in exceptional circumstances, preservation of wetlands and/or other aquatic

resources for the purpose of compensating for unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization has been achieved.

Creation: The establishment of a wetland or other aquatic resource where one did not formerly exist.

Enhancement: Activities conducted in existing wetlands or other aquatic resources that increase one or more aquatic functions.

Ephemeral Stream: An ephemeral stream has flowing water only during and for a short duration after, precipitation events in a typical year. Ephemeral stream beds are located above the water table year-round. Groundwater is not a source of water for the stream. Runoff from rainfall is the primary source of water for stream flow.

Farm Tract: A unit of contiguous land under one ownership that is operated as a farm or part of a farm.

Flood Fringe: That portion of the 100-year floodplain outside of the floodway (often referred to as "floodway fringe").

Floodway: The area regulated by Federal, state, or local requirements to provide for the discharge of the base flood so the cumulative increase in water surface elevation is no more than a designated amount (not to exceed one foot as set by the National Flood Insurance Program) within the 100-year floodplain.

Independent Utility: A test to determine what constitutes a single and complete project in the Corps regulatory program. A project is considered to have independent utility if it would be constructed absent the construction of other projects in the project area. Portions of a multi-phase project that depend upon other phases of the project do not have independent utility. Phases of a project that would be constructed even if the other phases were not built can be considered as separate single and complete projects with independent utility.

Intermittent Stream: An intermittent stream has flowing water during certain times of the year, when groundwater provides water for stream flow. During dry periods, intermittent streams may not have flowing water. Runoff from rainfall is a supplemental source of water for stream flow.

Loss of Waters of the US: Waters of the US that include the filled area and other waters that are permanently adversely affected by flooding, excavation, or drainage because of the regulated activity. Permanent adverse effects include permanent above-grade, at-grade, or below-grade fills that change an aquatic area to dry land, increase the bottom elevation of a waterbody, or

change the use of a waterbody. The acreage of loss of waters of the US is the threshold measurement of the impact to existing waters for determining whether a project may qualify for an NWP; it is not a net threshold that is calculated after considering compensatory mitigation that may be used to offset losses of aquatic functions and values. The loss of stream bed includes the linear feet of stream bed that is filled or excavated. Waters of the US temporarily filled, flooded, excavated, or drained, but restored to preconstruction contours and elevations after construction, are not included in the measurement of loss of waters of the US. Impacts to ephemeral waters are only not included in the acreage or linear foot measurements of loss of waters of the US or loss of stream bed, for the purpose of determining compliance with the threshold limits of the NWP's.

Non-tidal Wetland: A non-tidal wetland is a wetland (i.e., a water of the US) that is not subject to the ebb and flow of tidal waters. The definition of a wetland can be found at 33 CFR 328.3(b). Non-tidal wetlands contiguous to tidal waters are located landward of the high tide line (i.e., spring high tide line).

Open Water: An area that, during a year with normal patterns of precipitation, has standing or flowing water for sufficient duration to establish an ordinary high water mark. Aquatic vegetation within the area of standing or flowing water is either non-emergent, sparse, or absent. Vegetated shallows are considered to be open waters. The term "open water" includes rivers, streams, lakes, and ponds. For the purposes of the NWP's, this term does not include ephemeral waters.

Perennial Stream: A perennial stream has flowing water year-round during a typical year. The water table is located above the stream bed for most of the year. Groundwater is the primary source of water for stream flow. Runoff from rainfall is a supplemental source of water for stream flow.

Permanent Above-grade Fill: A discharge of dredged or fill material into waters of the US, including wetlands, that results in a substantial increase in ground elevation and permanently converts part or all of the waterbody to dry land. Structural fills authorized by NWP's 3, 25, 36, etc. are not included.

Preservation: The protection of ecologically important wetlands or other aquatic resources in perpetuity through the implementation of appropriate legal and physical mechanisms. Preservation may include protection of upland areas adjacent to wetlands as necessary to

ensure protection and/or enhancement of the overall aquatic ecosystem.

Restoration: Re-establishment of wetland and/or other aquatic resource characteristics and function(s) at a site where they have ceased to exist, or exist in a substantially degraded state.

Riffle and Pool Complex: Riffle and pool complexes are special aquatic sites under the 404(b)(1) Guidelines. Riffle and pool complexes sometimes characterize steep gradient sections of streams. Such stream sections are recognizable by their hydraulic characteristics. The rapid movement of water over a coarse substrate in riffles results in a rough flow, a turbulent surface, and high dissolved oxygen levels in the water. Pools are deeper areas associated with riffles. A slower stream velocity, a streaming flow, a smooth surface, and a finer substrate characterize pools.

Single and Complete Project: The term "single and complete project" is defined at 33 CFR 330.2(i) as the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers (see definition of independent utility). For linear projects, the "single and complete project" (i.e., a single and complete crossing) will apply to each crossing of a separate water of the US (i.e., a single waterbody) at that location. An exception is for linear projects crossing a single waterbody several times at separate and distant locations: each crossing is considered a single and complete project. However, individual channels in a braided stream or river, or individual arms of a large, irregularly shaped wetland or lake, etc., are not separate waterbodies.

Stormwater Management: Stormwater management is the mechanism for controlling stormwater runoff for the purposes of reducing downstream erosion, water quality degradation, and flooding and mitigating the adverse

effects of changes in land use on the aquatic environment.

Stormwater Management Facilities: Stormwater management facilities are those facilities, including but not limited to, stormwater retention and detention ponds and BMPs, which retain water for a period of time to control runoff and/or improve the quality (i.e., by reducing the concentration of nutrients, sediments, hazardous substances and other pollutants) of stormwater runoff.

Stream Bed: The substrate of the stream channel between the ordinary high water marks. The substrate may be bedrock or inorganic particles that range in size from clay to boulders. Wetlands contiguous to the stream bed, but outside of the ordinary high water marks, are not considered part of the stream bed.

Stream Channelization: The manipulation of a stream channel to increase the rate of water flow through the stream channel. Manipulation may include deepening, widening, straightening, armoring, or other activities that change the stream cross-section or other aspects of stream channel geometry to increase the rate of water flow through the stream channel. A channelized stream remains a water of the US, despite the modifications to increase the rate of water flow.

Tidal Wetland: A tidal wetland is a wetland (i.e., water of the US) that is inundated by tidal waters. The definitions of a wetland and tidal waters can be found at 33 CFR 328.3(b) and 33 CFR 328.3(f), respectively. Tidal waters rise and fall in a predictable and measurable rhythm or cycle due to the gravitational pulls of the moon and sun. Tidal waters end where the rise and fall of the water surface can no longer be practically measured in a predictable rhythm due to masking by other waters, wind, or other effects. Tidal wetlands are located channelward of the high tide line (i.e., spring high tide line) and are

inundated by tidal waters two times per lunar month, during spring high tides.

Vegetated Buffer: A vegetated upland or wetland area next to rivers, streams, lakes, or other open waters which separates the open water from developed areas, including agricultural land. Vegetated buffers provide a variety of aquatic habitat functions and values (e.g., aquatic habitat for fish and other aquatic organisms, moderation of water temperature changes, and detritus for aquatic food webs) and help improve or maintain local water quality. A vegetated buffer can be established by maintaining an existing vegetated area or planting native trees, shrubs, and herbaceous plants on land next to open waters. Mowed lawns are not considered vegetated buffers because they provide little or no aquatic habitat functions and values. The establishment and maintenance of vegetated buffers is a method of compensatory mitigation that can be used in conjunction with the restoration, creation, enhancement, or preservation of aquatic habitats to ensure that activities authorized by NWP result in minimal adverse effects to the aquatic environment. (See General Condition 19.)

Vegetated Shallows: Vegetated shallows are special aquatic sites under the 404(b)(1) Guidelines. They are areas that are permanently inundated and under normal circumstances have rooted aquatic vegetation, such as seagrasses in marine and estuarine systems and a variety of vascular rooted plants in freshwater systems.

Waterbody: A waterbody is any area that in a normal year has water flowing or standing above ground to the extent that evidence of an ordinary high water mark is established. Wetlands contiguous to the waterbody are considered part of the waterbody.

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compensatory mitigation proposal that is required in paragraph (f) of this NWP may be either conceptual or detailed. The wetland or upland vegetated buffer required in paragraph (j) of this NWP will be determined on a case-by-case basis by the District Engineer for addressing water quality concerns. The required wetland or upland vegetated buffer is part of the overall compensatory mitigation requirement for this NWP. If the project site was previously used for agricultural purposes and the farm owner/operator used NWP 40 to authorize activities in waters of the United States to increase production or construct farm buildings, NWP 39 cannot be used by the developer to authorize additional activities in waters of the United States on the project site in excess of the acreage limit for NWP 39 (i.e., the combined acreage loss authorized under NWPs 39 and 40 cannot exceed 1/2 acre).

Subdivisions: For residential subdivisions, the aggregate total loss of waters of US authorized by NWP 39 can not exceed 1/2-acre. This includes any loss of waters associated with development of individual subdivision lots. (Sections 10 and 404)

Note: Areas where wetland vegetation is not present should be determined by the presence or absence of an ordinary high water mark or bed and bank. Areas that are waters of the US based on this criterion would require a PCN although water is infrequently present in the stream channel (except for ephemeral waters, which do not require PCNs under paragraph (c)(2), above; however, activities that result in the loss of greater than 1/10 acre of ephemeral waters would require PCNs under paragraph (c)(1), above).

On page 2088, in the sixth sentence of the first paragraph in the first column, the phrase "an adequate water quality management plan" is replaced with the phrase "adequate water quality management measures" to reflect the modified language in General Condition 9. This sentence is corrected to read "The facility must have adequate water quality management measures in accordance with General Condition 9, such as a stormwater management facility, to ensure that the recreational facility results in no substantial adverse effects to water quality."

On page 2089, first column, the second sentence of paragraph (c) of NWP 44 is corrected to read "Normally, the water quality management measures required by General Condition 9 should address these impacts;". In addition, the second sentence of paragraph (i) of NWP 44 is corrected to read "Further the District Engineer may require water quality management measures to ensure the authorized work results in minimal

adverse effects to water quality;" These corrections are necessary to reflect the modified language in General Condition 9.

On page 2089, third column, the text of General Condition 6 is corrected to read: "The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state or tribe in its Section 401 Water Quality Certification and Coastal Zone Management Act consistency determination." The change to General Condition 6 that was published in the January 15, 2002, Federal Register was not intended and we are correcting this sentence by reinstating the original text as it existed in the March 9, 2000, NWPs.

On page 2090, first column, the word "Section" in the parenthetical at the end of General Condition 10 is replaced with "33 CFR" so that the parenthetical reads "(see 33 CFR 330.4(d))".

On page 2090, at the top of the second column, the second Internet URL is replaced with "* * * http://www.nmfs.noaa.gov/prot_res/overview/es.html * * *" because the Internet address for the National Marine Fisheries Service home page for endangered species has been changed.

On page 2090, third column, in paragraph (b)(4) of General Condition 13, NWP 40 should be added to the list of NWPs that require submission of delineations of special aquatic sites with pre-construction notifications. Therefore, paragraph (b)(4) of General Condition 13 is corrected to read "For NWPs 7, 12, 14, 18, 21, 34, 38, 39, 40, 41, 42, and 43, the PCN must also include a delineation of affected special aquatic sites, including wetlands, vegetated shallows (e.g., submerged aquatic vegetation, seagrass beds), and riffle and pool complexes (see paragraph 13(f))."

On page 2090, third column, in paragraph (b)(6) of General Condition 13, the word "Projects" replaces the word "Crossings", because the title of NWP 14 is "Linear Transportation Projects".

On page 2090, third column, in paragraph (b)(8) of General Condition 13, the word "Activities" is inserted after the word "Restoration" because the title of NWP 27 is "Stream and Wetland Restoration Activities".

On page 2091, first column, in paragraph (b)(10) of General Condition 13, the word "Projects" is replaced with the word "Facilities" because the title of NWP 31 is "Maintenance of Existing Flood Control Facilities".

On page 2094, third column, we are correcting the definition of "Loss of Waters of the US" by deleting the last sentence and inserting the following sentence after the fourth sentence of this definition: "Impacts to ephemeral streams are not included in the linear foot measurement of loss of stream bed for the purpose of determining compliance with the linear foot limits of NWPs 39, 40, 42, and 43."

Due to the number of corrections made to the definition of "Loss of Waters of the US", we are providing the text of this definition in its entirety, with the corrections described above:

Loss of Waters of the US: Waters of the US that include the filled area and other waters that are permanently adversely affected by flooding, excavation, or drainage because of the regulated activity. Permanent adverse effects include permanent above-grade, at-grade, or below-grade fills that change an aquatic area to dry land, increase the bottom elevation of a waterbody, or change the use of a waterbody. The acreage of loss of waters of the US is the threshold measurement of the impact to existing waters for determining whether a project may qualify for an NWP; it is not a net threshold that is calculated after considering compensatory mitigation that may be used to offset losses of aquatic functions and values. The loss of stream bed includes the linear feet of stream bed that is filled or excavated. Impacts to ephemeral streams are not included in the linear foot measurement of loss of stream bed for the purpose of determining compliance with the linear foot limits of NWPs 39, 40, 42, and 43. Waters of the US temporarily filled, flooded, excavated, or drained, but restored to preconstruction contours and elevations after construction, are not included in the measurement of loss of waters of the US.

In the January 15, 2002, Federal Register, it was stated that the definition was being revised (to clarify that ephemeral waters and streams are not included in the acreage or linear thresholds for NWPs) to comport with language in the preamble of the March 9, 2000 Federal Register notice. However, the language in the preamble of the March 9, 2000 Federal Register notice (65 FR 12881, third column) does not support this revision. Rather, the referenced preamble states, "During our review of the comments received in response to the July 21, 1999, Federal Register notice, we found an error in the proposed definition of the term, "loss of waters of the United States." In the fourth sentence of the draft definition, we stated that the loss of stream bed

includes the linear feet of perennial or intermittent stream bed that is filled or excavated. This statement is inaccurate because ephemeral stream bed that is filled or excavated can also be considered a loss of waters of the United States. However, the 300 linear foot limit for stream beds filled or excavated does not apply to ephemeral streams. We have modified this sentence to define the loss of stream bed as the linear feet of stream bed that is filled or excavated." Thus, the modification of this definition was intended to clarify that activities that involve filling or excavating ephemeral streams are not included in the linear foot limits for filling or excavating stream beds in NWP's 39, 40, 42, and 43. However, it was not intended to exempt ephemeral waters or streams from calculations of impacted acreages to determine PCN or maximum acreage requirements in accordance with NWP's 39, 40, 42, and 43.

In the August 9, 2001, Federal Register notice (66 FR 42099) we proposed to modify the definition of "Loss of Waters of the US" by adding the sentence " * * * The loss of stream bed includes the linear feet of perennial stream or intermittent stream that is filled or excavated * * * ". The proposed change was in response to a commitment to clearly state in the text of the NWP's (which includes the definitions) that the 300 linear foot limit in NWP's 39, 40, 42, and 43 for filling and excavating stream beds would only apply to intermittent and perennial streams, not to ephemeral streams.

In the January 15, 2002, Federal Register notice (67 FR 2074-2075) we erroneously stated that both the acreage and linear limits of the NWP's do not apply to ephemeral waters. This was never intended to be adopted as policy for the NWP's or the Corps regulatory program. A previously stated, in the first column of page 2075 of the January 15, 2002, Federal Register notice, we refer to page 12881 of the March 9, 2000, Federal Register notice, which only discusses the 300 linear foot limit, not the acreage limits of the NWP's. Our intent is to continue to apply acreage limits of NWP's to activities that result in the permanent loss of ephemeral waters, but the linear foot limits of the NWP's (i.e., NWP's 39, 40, 42, and 43) for filling or excavating stream beds would not apply to activities that involve filling or excavating ephemeral streams. The last sentence of the definition of "Loss of Waters of the US" as published in the January 15, 2002, Federal Register notice does not comport with remainder of this NWP package.

Therefore, we are correcting this definition as described above.

We believe that correcting the text of NWP 39 and the definition of "Loss of Waters of the US" through the publication of this correction notice is appropriate. Nevertheless, in order to give all interested parties further opportunity to comment on this matter, we intend to publish a Federal Register notice to solicit public comments on those two corrections. If we determine that any other matter relating to the final NWP's requires correction or clarification, but that matter was not adequately dealt with in this correction notice, we will address that additional matter in the forthcoming Federal Register notice, as well. We expect to publish that Federal Register notice within a few weeks.

Dated: February 7, 2002.

Lawrence A. Lang,

*Assistant Chief, Operations Division,
Directorate of Civil Works.*

[FR Doc. 02-3555 Filed 2-12-02; 8:45 am]

BILLING CODE 3710-92-P

DEPARTMENT OF DEFENSE

Uniformed Services University of the Health Sciences

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Uniformed Services University of the Health Sciences.

TIME AND DATE: 8:00 a.m. to 4:00 p.m., February 5, 2002.

PLACE: Uniformed Services University of the Health Sciences, Board of Regents Conference Room (D3001), 4301 Jones Bridge Road, Bethesda, MD 20814-4799.

STATUS: Open—under "Government in the Sunshine Act" (5 U.S.C. 552b(e)(3)).

MATTERS TO BE CONSIDERED:

8:30 a.m. Meeting—Board of Regents

- (1) Approval of Minutes—November 14, 2001
- (2) Faculty Matters
- (3) Department Reports
- (4) Financial Report
- (5) Report—President, USUHS
- (6) Report—Dean, School of Medicine
- (7) Report—Dean, Graduate School of Nursing
- (8) Comments—Chairman, Board of Regents
- (9) New Business

CONTACT PERSON FOR MORE INFORMATION: Mr. Bobby D. Anderson, Executive Secretary, Board of Regents, (301) 295-3116.

Dated: February 8, 2002.

Linda Bynum,

*OSD Federal Register Liaison Officer,
Department of Defense.*

[FR Doc. 02-3683 Filed 2-11-02; 3:32 pm]

BILLING CODE 5001-08-M

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Leader, Regulatory Information Management Group, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before March 15, 2002.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Lauren Wittenberg, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10202, New Executive Office Building, Washington, DC 20503 or should be electronically mailed to the internet address Lauren_Wittenberg@omb.eop.gov.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

MITIGATION REQUIREMENTS AND
SPECIAL CONDITIONS ISSUED WITH
NATIONWIDE PERMIT VERIFICATION
200205047 (NW-JWS)

If any work is performed under this permit, the following special conditions must be met:

- 1) If the approved permit drawings conflict with the specific conditions, then the specific conditions shall prevail.
- 2) All persons/contractors involved in this permitted activity shall be provided copies of this permit in its entirety. A copy shall remain on site at all times during construction.
- 3) Prior to any fill being placed on the site, toed-in silt fence with staked haybales shall be installed at the limits of the uplands and permitted fill areas to assist in containing fill. These erosion controls shall be inspected/maintained daily to prevent sedimentation into wetlands.
- 4) Within 60 days of completion of the work authorization and mitigation, the attached "Nationwide Compliance Certification" must be completed and submitted to the U.S. Army Corps of Engineers. Mail the completed form to the Regulatory Division, Enforcement Branch, Attn: Alice Kirkland, Post Office Box 4970, Jacksonville, Florida 32232-0019.
- 5) No heavy equipment or mechanical clearing is permitted in wetlands outside of the permanent and temporary fill footprint areas.
- 6) All slopes shall be stabilized with sod, degradable mats and/or seed and mulch. Erosion controls in the form of toed-in silt fencing and staked hay bales will be installed and maintained until the vegetative cover is established.
- 7) The permittee shall notify the U.S. Army Corps of Engineers, Tallahassee Regulatory Office, 2051 East Dirac Drive, Suite 123H, Tallahassee, Florida 32310 upon commencement and completion of work authorized by this permit. Such notification must be provided within 14 days of initiation and completion of the authorized work.
- 8) Prior to construction, the limits of the proposed fill areas shall be clearly flagged and staked by the agent and/or contractor. 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.

9) No building materials, tools or other equipment shall be stockpiled in wetlands or other waters of the United States. All excess materials, tools and equipment shall be removed immediately upon completion of the activity.

10) No wetland vegetation, other than that necessary to access and construct the permanent and temporary roads, shall be removed.

11) The following sequence and reporting requirements shall be followed for the temporary impact of the 0.10 acres required for the temporary road crossing:

(a) Prior to the placement of fill material for the temporary road crossing, the areas shall be photographed and shall be marked to clearly show the pre-fill condition of the area. Photograph locations shall be identified on a permit drawing. The photographs and location drawing shall be submitted to the US Army Corps of Engineers, Enforcement Branch, Attn: Alice Kirkland, Post Office Box 4970, Jacksonville, Florida 32236 prior to placement of fill in this area.

(b) Before placement of fill, filter fabric will be placed within the area, of the temporary road crossing, to provide a reference point that will enable the contractor to more easily return the area to its pre-construction conditions.

(c) Within 9 months of the temporary road crossing being built, the temporary road crossing shall be removed and restored to its pre-construction condition.

(d) Within 72 hours of removing all fill from the temporary road crossing area, photographs of the area shall be taken from the same locations as required in (a). These photographs shall be combined with the photographs required in (a) and the location map required in (a) and shall be submitted to the US Army Corps of Engineers, Enforcement Branch, Attn: Alice Kirkland, Post Office Box 4970, Jacksonville, Florida 32236 within 14 days of the completion of the restoration work.

(e) Six months after restoring the temporary road crossing area, and for one year thereafter, photographs of the area shall be taken from the same locations as required in (a), so as to

clearly show the restoration area is naturally revegetating with desired plant species. These photographs and a map showing the photograph locations shall be submitted to the US Army Corps of Engineers, Enforcement Branch, Attn: Alice Kirkland, Post Office Box 4970, Jacksonville, Florida 32236 within 14 days of their being taken.

(f) The restoration area shall be considered successful when the following is met:

- 1) The vegetative cover shall be at least 85% coverage continuously for a period of one year with jurisdictional wetland vegetation. Nuisance and exotic species shall be limited to less than 5% of the total vegetative cover and hydrology and hydric soils, as defined by the 1987 Corps of Engineers Wetland Delineation Manual (87 Manual) shall be present in the restoration area.

(g) A monitoring report shall be conducted for a minimum of one year for the restored wetlands and shall continue (if necessary) until the restoration success criteria is met, as outlined above. The reports shall be submitted every twelve months to the US Army Corps of Engineers, Enforcement Branch, Attn: Alice Kirkland, Post Office Box 4970, Jacksonville, Florida 32236 indicating the status of the project. The cover page shall indicate the permit number, project name and the permittee name. The first annual progress report shall be submitted twelve months from the date of permit issuance, and reports shall continue to be submitted until all work authorized by the permit, including restoration, has been completed. The report shall include the following information:

- a. Date permitted activity was begun; if work has not begun onsite, please so indicate.
- b. Brief description of extent of work (i.e. dredge, fill, monitoring, restoration, management, maintenance) completed since the previous report or since the permit was issued. Show on copies of the permit drawings those areas where work has been completed.
- c. Brief description and extent of work (i.e. dredge, fill, monitoring, restoration, management, maintenance) anticipated in the next twelve months. Indicate on copies of the permit drawings those areas where it is anticipated that work will be done.

- d. The progress of the permitted restoration program. The reports shall include; photographs taken from the permanent stations, some of which must be in the vegetation sampling areas, a description of problems encountered and solutions undertaken, and anticipated work for the next twelve months.
- e. This report shall include on the first page, just below the title, the certification of the following statement by the individual who supervised preparation of the report: "This report represents a true and accurate description of the activities conducted during the twelve month period covered by this report."

(h) The permittee has a continuing obligation to complete the wetland restoration, to correct any unsuccessful attempts to restore the wetlands, and to complete the monitoring and maintenance beyond the expiration date of this permit. If the restoration area is not found to be successful 120 days prior to the expiration date of this permit, the permittee shall submit a written report including any proposed remedial measures, if necessary, to be taken to ensure future success.

12) All mitigation requirements shall be adhered to and implemented as outlined in the attached 15-page *Regional Mitigation Plan* for *Tates Hell State Forest*, as provided by the Northwest Florida Water Management District (NFWFMD).

SELF-CERTIFICATION STATEMENT OF COMPLIANCE

Permit Number: 200205047 (NW-JWS)

Permittee's Name & Address (Please print or type): _____

Telephone Number: _____

Location of the Work: _____

Date Work Started: _____ Date Work Completed: _____

Description of the Work (e.g. bank stabilization, residential or commercial filling, docks, dredging, etc.): _____

Acreage or Square Feet of Impacts to Waters of the United States: _____

Describe Mitigation completed (if applicable): _____

Describe any Deviations from Permit (attach drawing(s) depicting the deviations): _____

I certify that all work, and mitigation (if applicable) was done in accordance with the limitations and conditions as described in the permit. Any deviations as described above are depicted on the attached drawing(s).

Signature of Permittee

Date

DEPARTMENT OF THE ARMY PERMIT TRANSFER REQUEST

PERMIT NUMBER: 200205047 (NW-JWS)

When the structures or work verified by this nationwide are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property.

To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, the transferee should sign and date below. Following completion, the form should be returned to the U.S. Army Corps of Engineers, Tallahassee Regulatory Office, 2051 East Dirac Drive, Suite 123H, Tallahassee, Florida, 32310.

(TRANSFEEE - SIGNATURE)

(DATE)

(NAME - PRINTED)

(SUBDIVISION)

(LOT/BLOCK)

(MAILING ADDRESS)

(CITY, STATE, ZIP CODE)

**STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION**

CONTRACT PLANS

FINANCIAL PROJECT ID 406226-1-52-01
(FEDERAL FUNDS)
WAKULLA COUNTY (59000)
ROBERTS LANDING RD.



LOCATION OF PROJECT
TALLAHASSEE
BRANCH OFFICE

ROADWAY SHOP DRAWINGS
TO BE SUBMITTED TO:
DONALD S. PADGETT, P.E.
E. C. DRIVER & ASSOCIATES
719 BEECH RIDGE TRAIL
TALLAHASSEE, FL 32312-5075
18501 893-6448

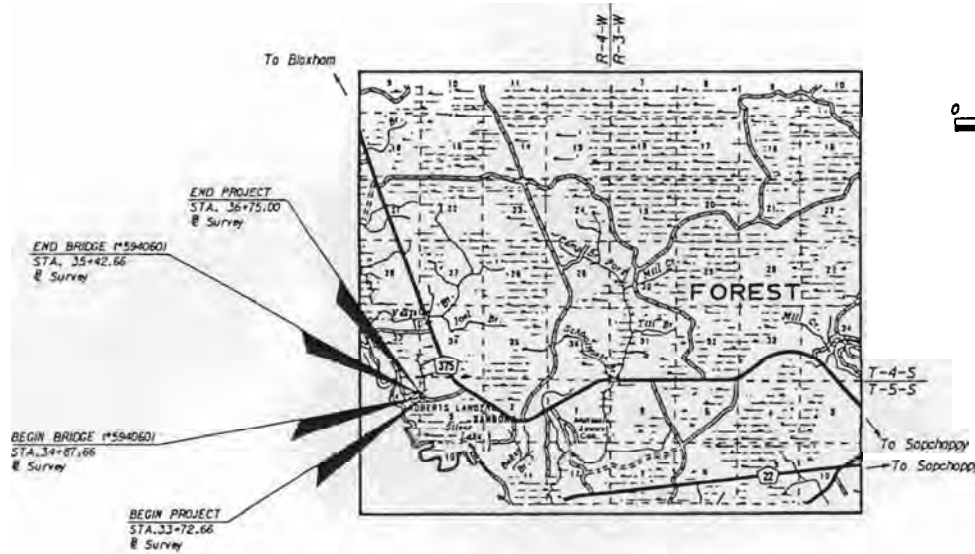
PLANS PREPARED BY:
ECDriver
719 BEECH RIDGE TRAIL
TALLAHASSEE, FL 32312-5075
18501 893-6448
CERTIFICATE OF AUTHORIZATION
NUMBER 3638
VENDOR NUMBER 59-2375705
CONTRACT NUMBER C-7948

NOTE: THE SCALE OF THESE PLANS MAY
HAVE CHANGED DUE TO REPRODUCTION.

ROADWAY PLANS
ENGINEER OF RECORD: Donald S. Padgett, P.E.

P.E. NO. 23201

FISCAL YEAR	SHEET NO.
04	1



END PROJECT
STA. 36+75.00
@ Survey

END BRIDGE (#594060)
STA. 35+42.66
@ Survey

BEGIN BRIDGE (#594060)
STA. 34+87.66
@ Survey

BEGIN PROJECT
STA. 33+72.66
@ Survey

GOVERNING STANDARDS AND SPECIFICATIONS:
FLORIDA DEPARTMENT OF TRANSPORTATION,
DESIGN STANDARDS DATED JANUARY 2002,
AND STANDARD SPECIFICATIONS FOR ROAD
AND BRIDGE CONSTRUCTION DATED 2000,
AS AMENDED BY CONTRACT DOCUMENTS.

LENGTH OF PROJECT		
	LINEAR FEET	MILES
ROADWAY	247.34	0.047
BRIDGES	55.0	0.010
NET LENGTH OF PROJECT	302.34	0.057
EXCEPTIONS	N/A	N/A
GROSS LENGTH OF PROJECT	302.34	0.057

FDOT PROJECT MANAGER: BILL HOWELL

ROBERTS LANDING ROAD OVER SILVER LAKE CREEK

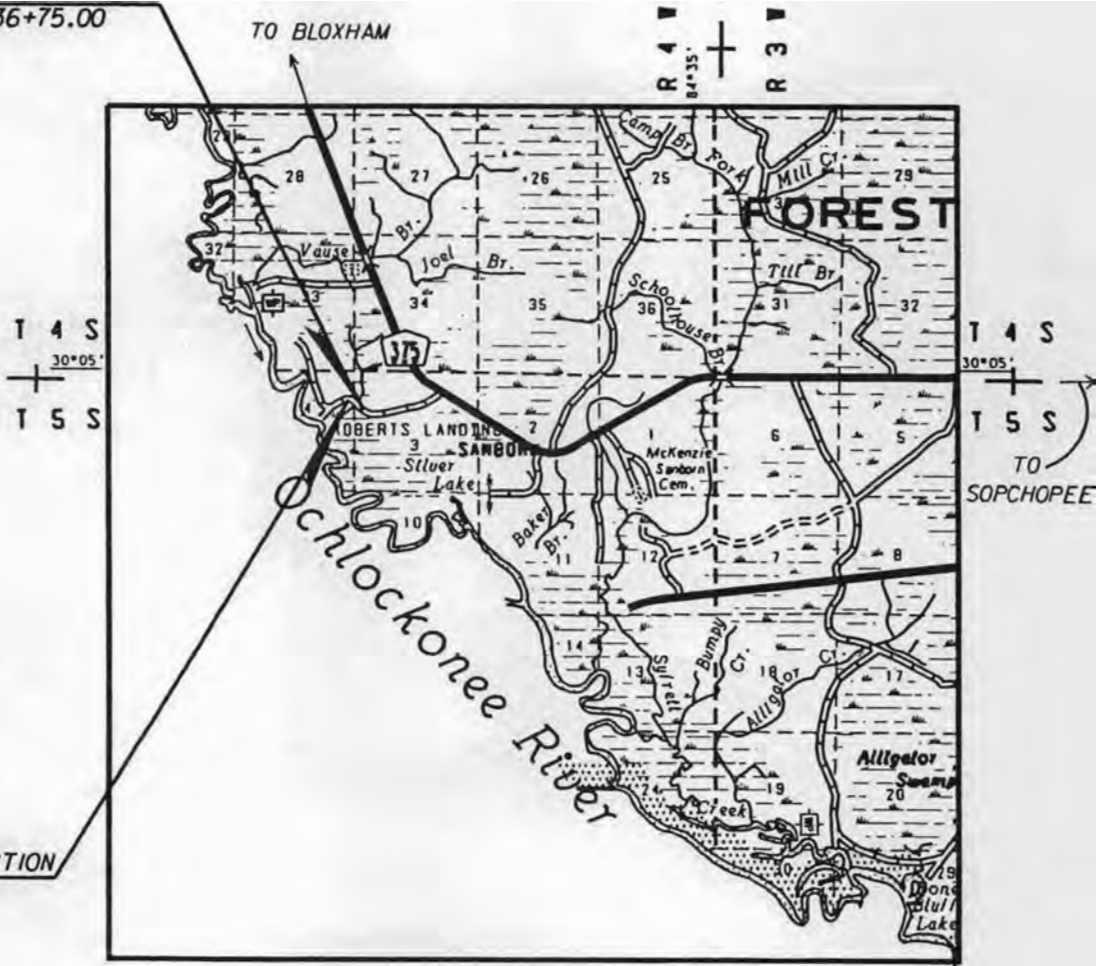
VICINITY MAP



0 1
MILES

END CONSTRUCTION
STA. 36+75.00

TO BLOXHAM



BEGIN CONSTRUCTION
STA. 33+72.66

R 4 E + R 3 E

JUL 23 2002

DE P TALLAHASSEE
BRANCH OFFICE

CONSTRUCTION DESCRIPTION

1. As the first step in the construction process the Contractor will clear and grub the area required to place the fill for the temporary on-site diversion.
2. The Contractor will then place filter fabric over the newly cleared area in order to provide a reference point that will enable the contractor to more easily return the site to its pre-construction contours.
3. The Contractor shall only clear tree trunks in the area where the temporary bridge will be constructed. This area will not be grubbed.
4. All unsuitable material (muck) that is excavated by the Contractor will be removed from the project site and disposed of in an appropriate location as required in the FDOT Standard Specifications for Road and Bridge Construction. All material used in the temporary on-site diversion will also be removed from the project site and be disposed as indicated for the unsuitable material..
5. The temporary fill will be in place for approximately 9 months. The area of temporary impact is approximately 0.10 Acres.
6. The permanent impacts on the project are confined to the area in the close vicinity of the bridge replacement. The permanent impacts will be from the placement of the new bridge structure and the roadway widening required to meet current safety requirements. The area of permanent impact is approximately 0.13 Acres.

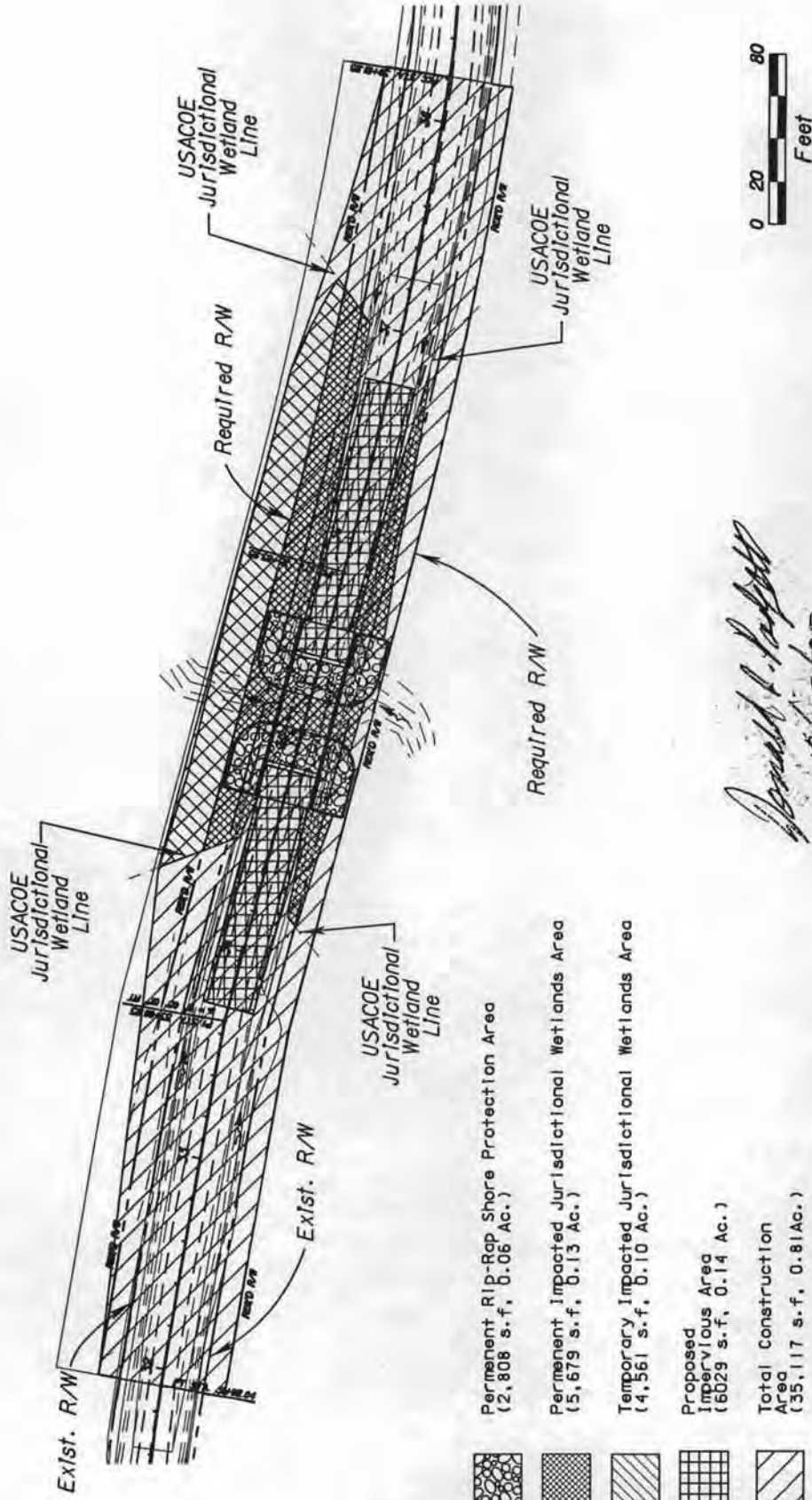
POST CONSTRUCTION MONITORING

1. The pre-construction condition of the site was documented by the FDOT in their Project Concept Report that is prepared prior to beginning design of a project. The project site must be returned to this condition, and the preferable means is by natural revegetation.
2. The FDOT will monitor the site as required by the USACOE to determine if natural revegetation is occurring. A report will be prepared by the FDOT six months following the completion of construction to determine if natural regrowth is occurring and to determine if the removal of exotics is required. This report will contain photographs as appropriate to document the findings at the site. Monitoring and the preparation of the report shall be conducted by someone knowledgeable in the area of environmental mitigation.
3. Another report will be prepared one year following the completion of construction. If natural revegetation has not occurred to a point that ensures that the area will completely recover then the FDOT will replant the area with species native to the project site.

ADDITIONAL INFORMATION

PROJECT DESC. ROBERTS LANDING RD OVER SILVER LAKE CREEK		FLORIDA DEPARTMENT OF TRANSPORTATION		ECDriver <small>& ASSOCIATES</small>		FINANCIAL PROJ. ID. 406226-1-52-01	
TWP: 5 SOUTH RNG: 4 WEST		NAME: <u>Donald S. Padgett</u>		DEP		USCG N.A.	
SEC 3		SIGNATURE <i>Donald S. Padgett</i>		USACOE		SHEET	
		CERTIFICATE NO. <u>53201</u>		DATE <u>10/07/02</u>		NFWWD N.A.	
						DATE <u>10/07/02</u>	

PRELIMINARY SUBJECT TO CHANGE
PERMIT SUBMITTAL OCTOBER 7, 2002



- Permanent Rip-Rap Shore Protection Area
(2,808 s.f., 0.06 Ac.)
- Permanent Impacted Jurisdictional Wetlands Area
(5,679 s.f., 0.13 Ac.)
- Temporary Impacted Jurisdictional Wetlands Area
(4,561 s.f., 0.10 Ac.)
- Proposed Impervious Area
(6029 s.f., 0.14 Ac.)
- Total Construction Area
(35,117 s.f., 0.81Ac.)



Donald L. Sabat
10/07/02

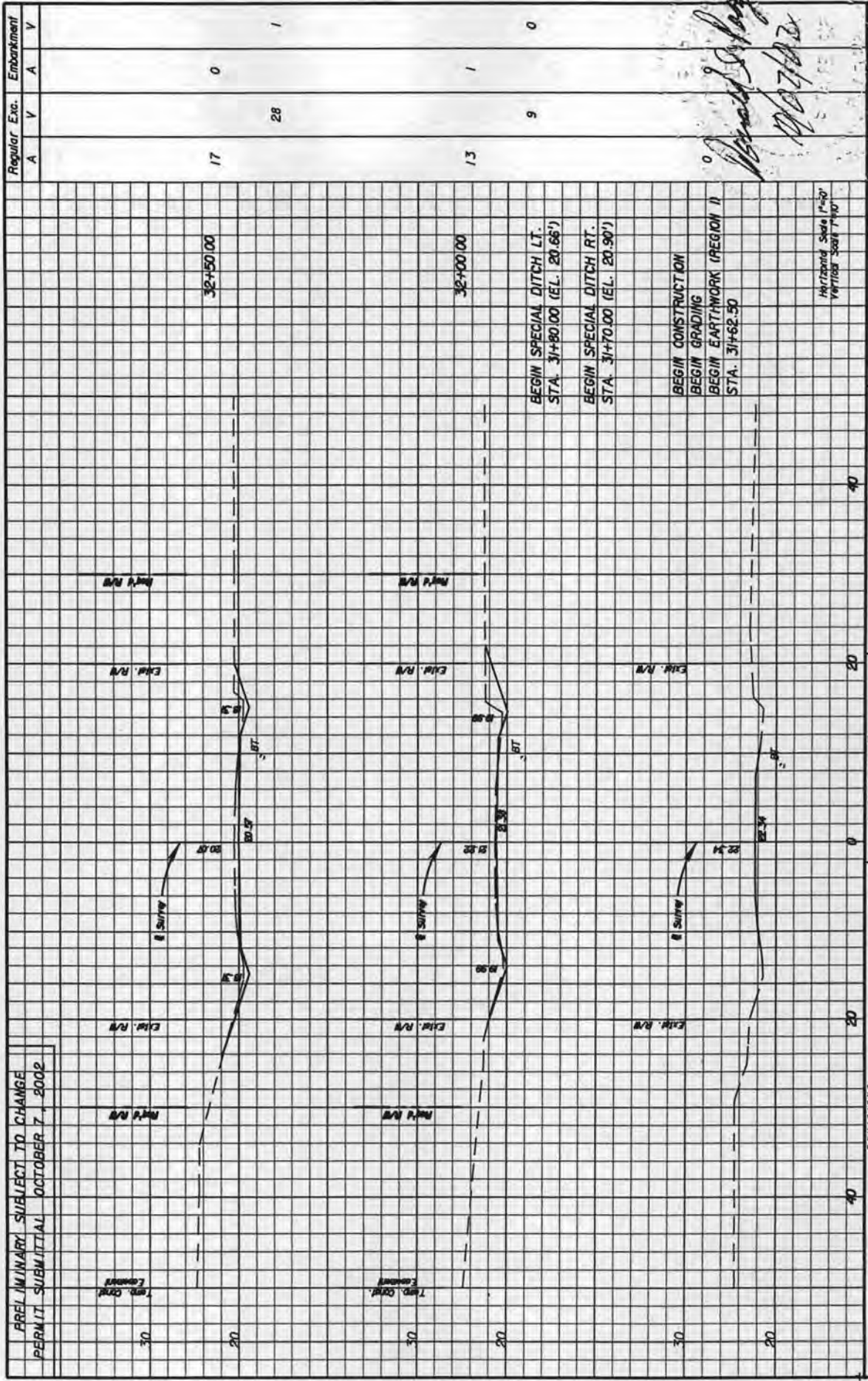
Robert's Landing Road Over Silver Lake Creek

Pervious Area : Total Const. Area - Prop. Impervious Area
(29,088 s.f., 0.67 Ac.)

DATE	REVISION	DESCRIPTION

ECDriver 1119 BEECH RIDGE TRAIL KALAMAZOO, MI 49001 REGISTERED PROFESSIONAL ENGINEER STATE OF MICHIGAN CERTIFICATE OF AUTHORIZATION #333	STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION FINANCIAL PROJECT # 406226-1-52-01 COUNTY WAKULLA N.A.
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PERMIT INFORMATION	SHEET NO. 6
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PRELIMINARY SUBJECT TO CHANGE
 PERMIT SUBMITTAL OCTOBER 7, 2002

Regular Exc.		Embankment	
A	V	A	V
17	0	0	1
13	9	1	0

EGDriver
 TALLAHASSEE, FL 32312-3075
 CERTIFICATE OF AUTHORIZATION #343

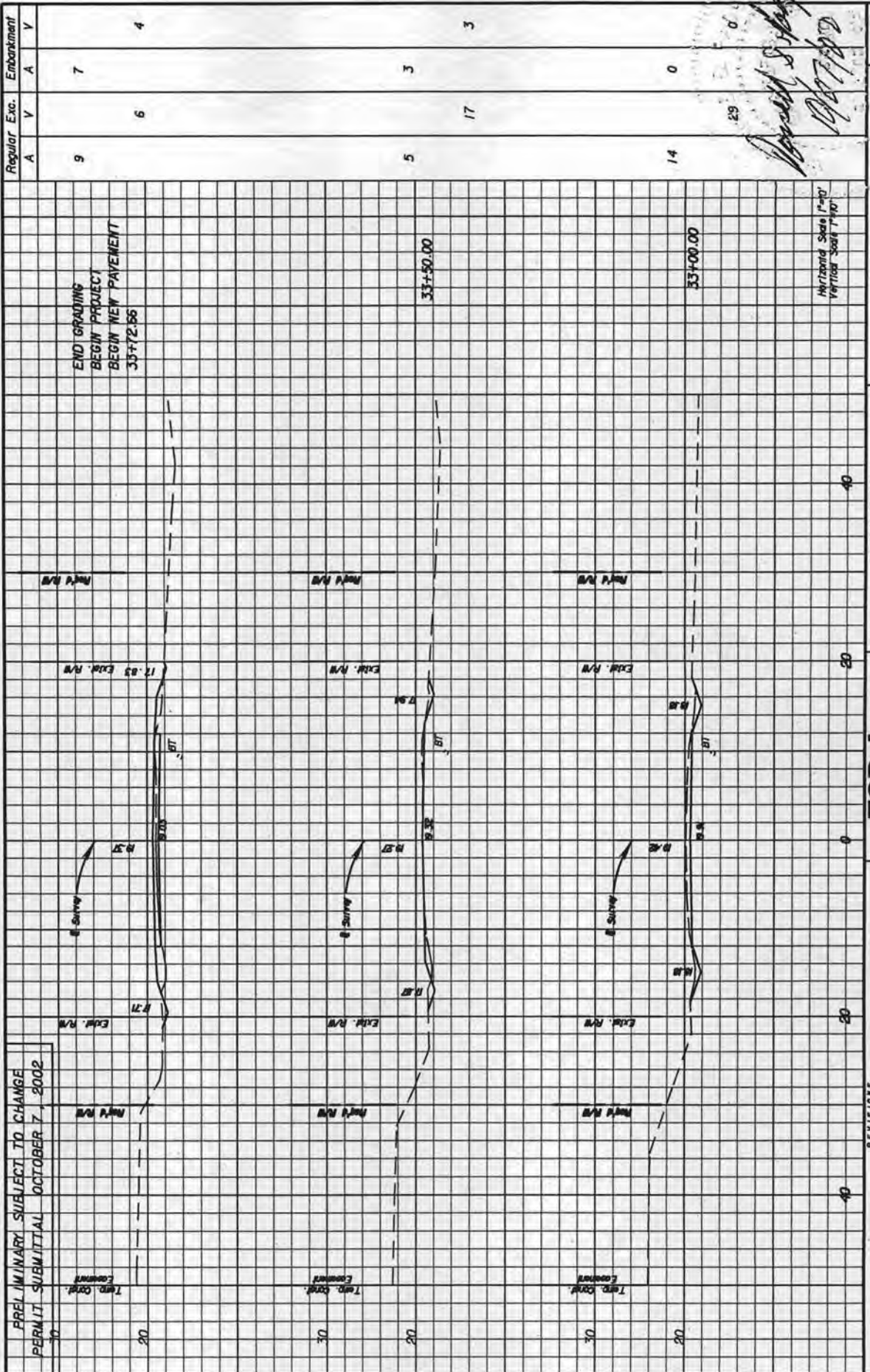
STATE OF FLORIDA
 DEPARTMENT OF TRANSPORTATION
 FINANCIAL PROJECT ID: 406226-1-52-01

ROAD NO.: N/A
 COUNTY: WAKULLA

ROBERTS LANDING ROAD OVER SILVER LAKE CREEK
CROSS SECTION

SHEET NO. 9

Handwritten signatures and dates:
 [Signature]
 10/7/02



PRELIMINARY SUBJECT TO CHANGE
 PERMIT SUBMITTAL OCTOBER 7, 2002

DATE	REVISION	DESCRIPTION

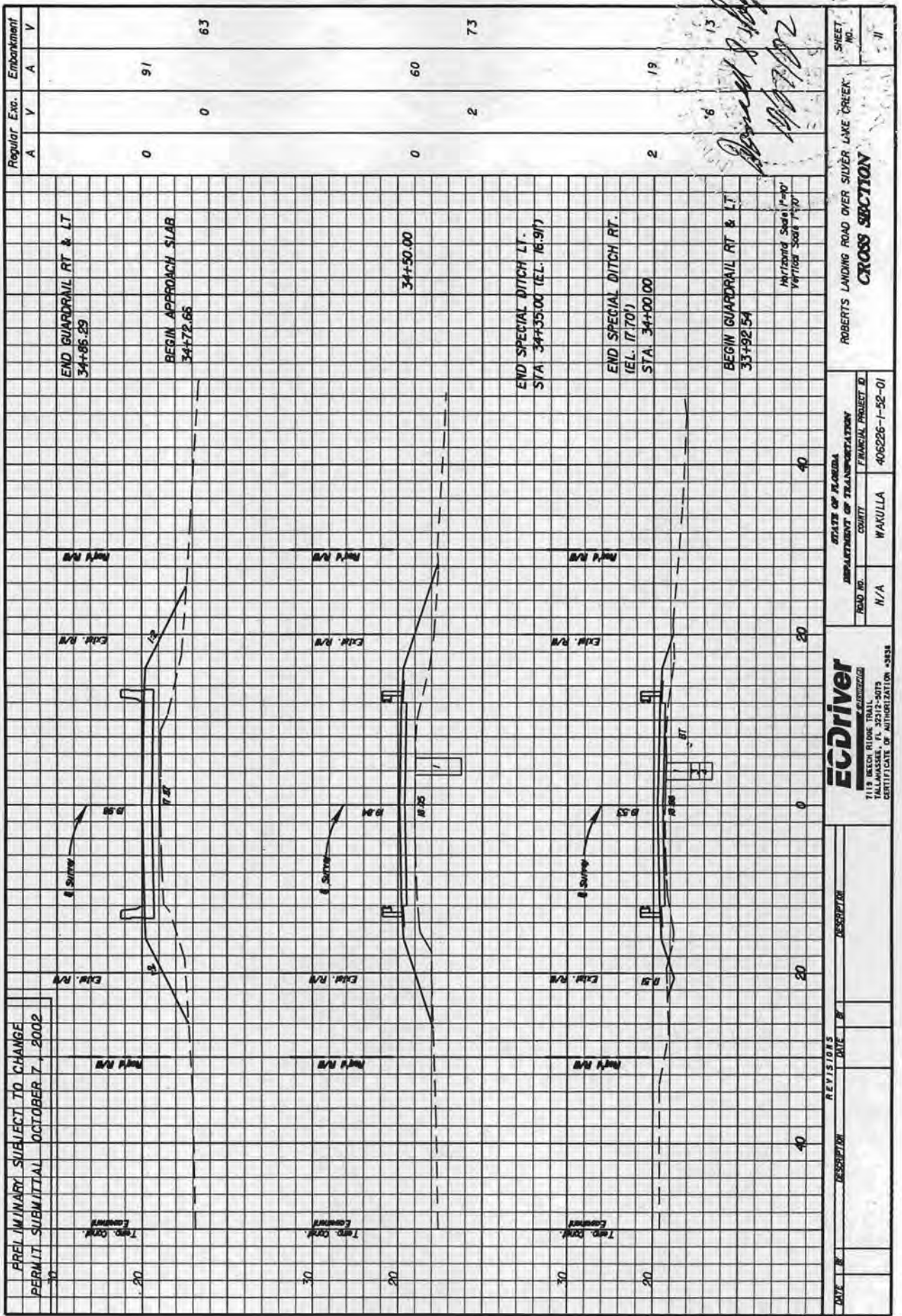
ECDriver
 7119 BEECH RIDGE TRAIL
 TALLAHASSEE, FL 32312-2015
 CERTIFICATE OF AUTHORIZATION #984

STATE OF FLORIDA
 DEPARTMENT OF TRANSPORTATION
 ROAD NO. N/A COUNTY WAKULLA FINANCIAL PROJECT ID 406226-1-52-01

ROBERTS LANDING ROAD OVER SILVER LAKE CREEK
 CROSS SECTION

Regular Exc.	Exc.	Embankment
A	V	A
9	6	7
5	17	3
14	0	0
29	0	0

Vertical Scale 1"=10'



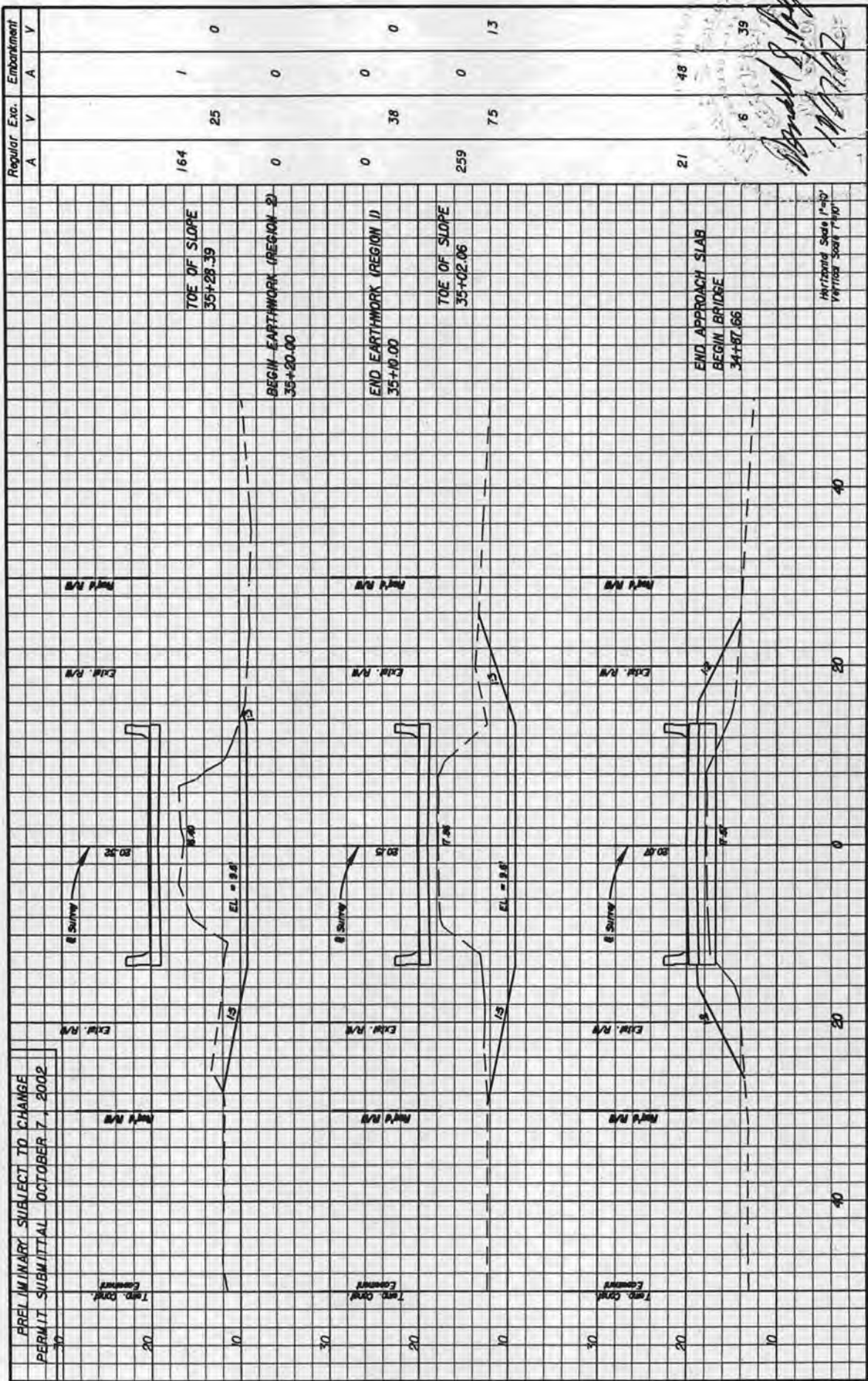
6
13
Approved & Signed
10/27/02

ROBERTS LANDING ROAD OVER SILVER LAKE CREEK
CROSS SECTION

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION
ROAD NO. N/A
COUNTY WAKULLA
FINANCIAL PROJECT ID 406226-1-52-01

ECDriver
1119 WELCH RIDGE TRAIL
TALLAHASSEE, FL 32312-5075
CERTIFICATE OF AUTHORIZATION #3538

DATE	REVISION	REVISOR	DATE	DESCRIPTION

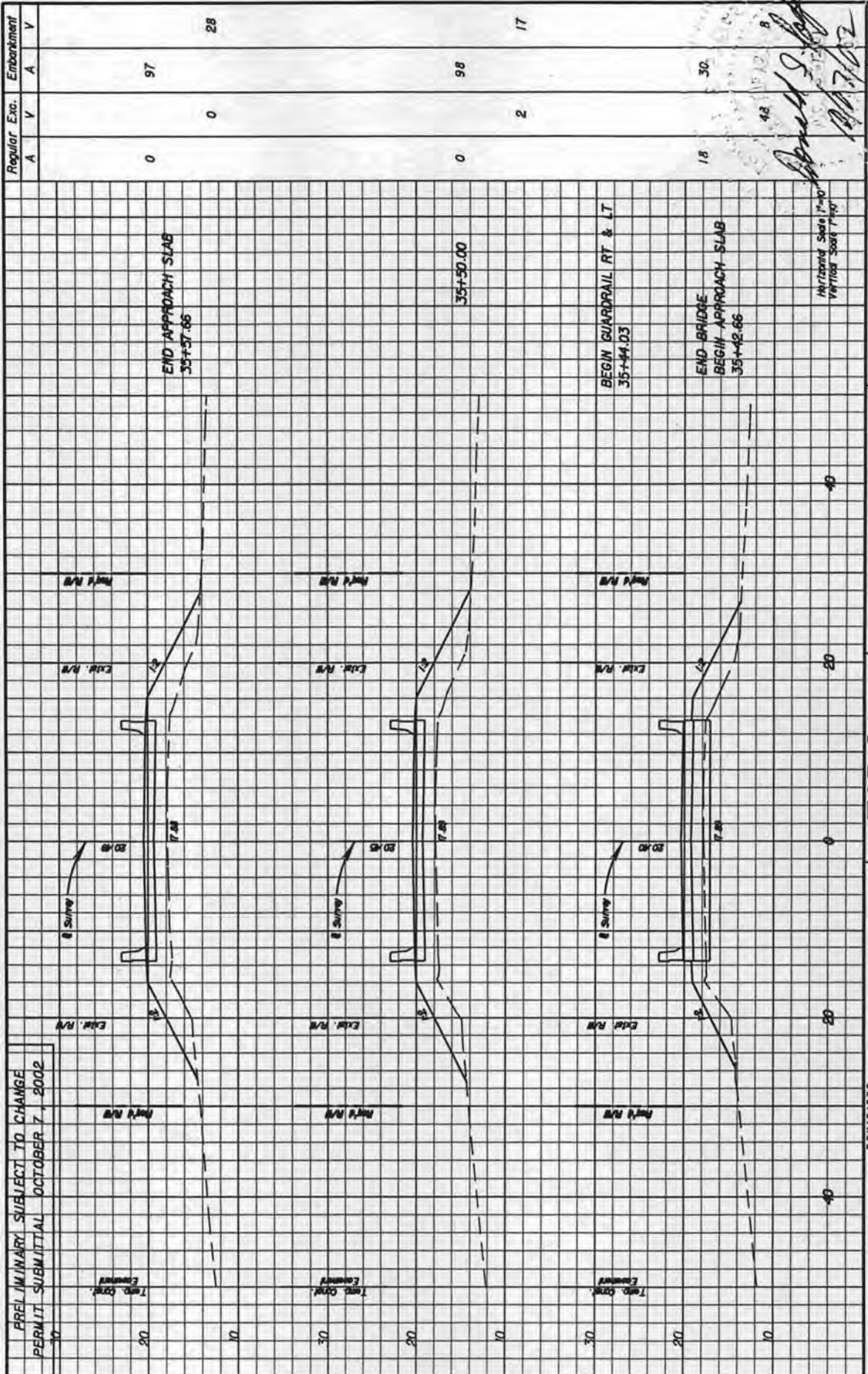


PRELIMINARY SUBJECT TO CHANGE
 PERMIT SUBMITTAL OCTOBER 7, 2002

Regular Exc.	Embankment		
	A	V	V
164	25	1	0
0	0	0	0
0	38	0	0
259	0	0	13
21	48	6	39

Handwritten signature and date:
 Ronald J. [Signature]
 10/2/02

STATE OF FLORIDA		DEPARTMENT OF TRANSPORTATION		ROAD NO. N/A		COUNTY WAKULLA		PROJECT NO. 406226-1-52-01		SHEET NO. 12	
ROBERTS LANDING ROAD OVER SILVER LANE CREEK CROSS SECTION											
 <small>THIS CHECK BOOK IS VALID FOR THE TERRITORY OF FLORIDA ONLY. CERTIFICATE OF AUTHORIZATION - 3535</small>											
DATE	DESCRIPTION	REVISOR	DATE	DESCRIPTION	REVISOR	DATE	DESCRIPTION	REVISOR	DATE	DESCRIPTION	REVISOR

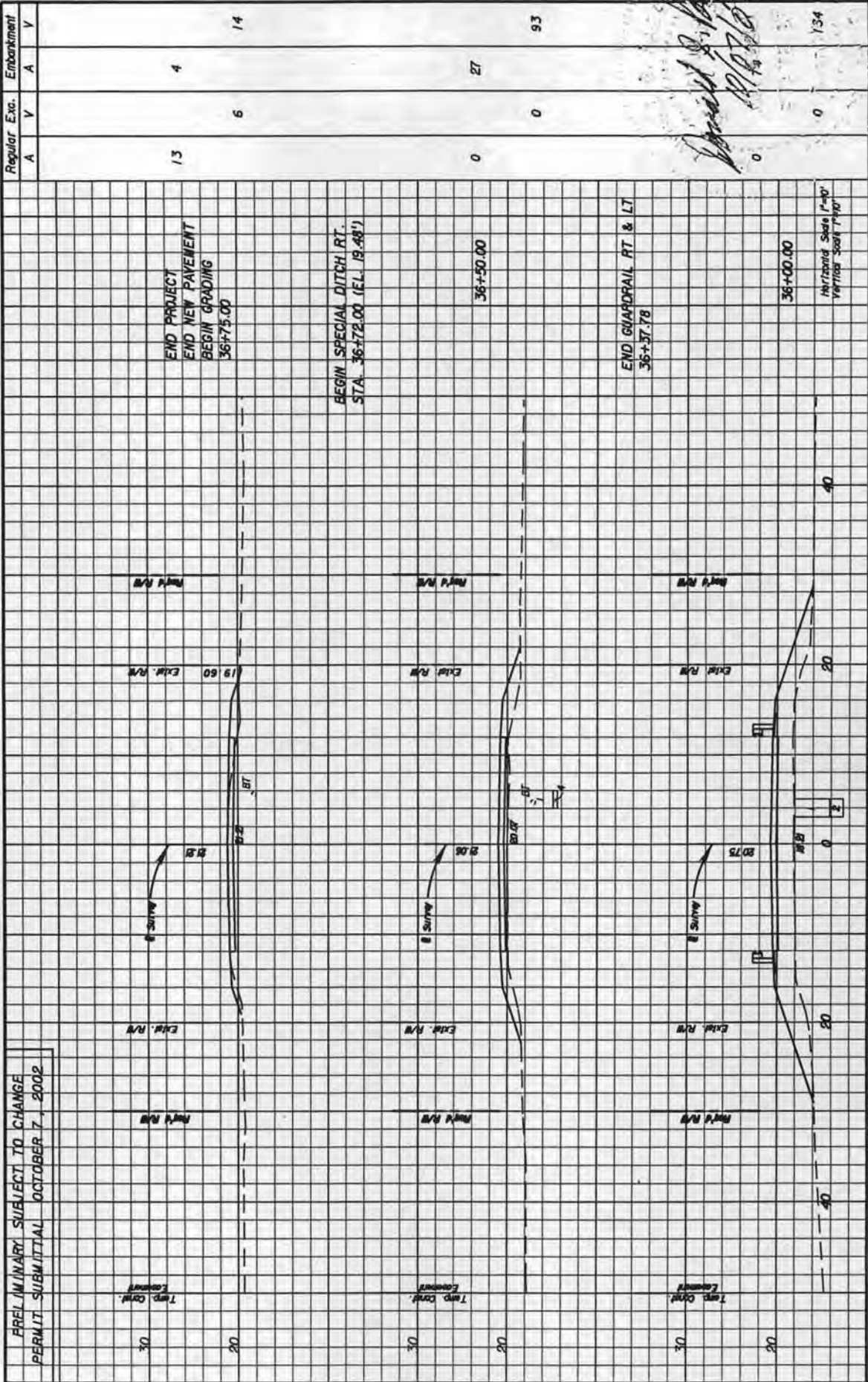


Regular Exc.		Embankment	
A	V	A	V
0	0	97	28
0	0	98	17
18	2	30	17

Donald S. [Signature]
 12/17/02

PRELIMINARY SUBJECT TO CHANGE
 PERMIT SUBMITTAL OCTOBER 7, 2002

ECDriver <small>1119 BEECH RIDGE TRAIL TALLAHASSEE, FL 32312-2075 CERTIFICATE OF AUTHORIZATION #384</small>		STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION ROAD NO. N/A COUNTY WAKULLA FINANCIAL PROJECT ID 406226-1-52-01	ROBERTS LANDING ROAD OVER SILVER LAKE CREEK CROSS SECTION	SHEET NO. 13
DATE	DESCRIPTION	REVISIONS	DATE	DESCRIPTION

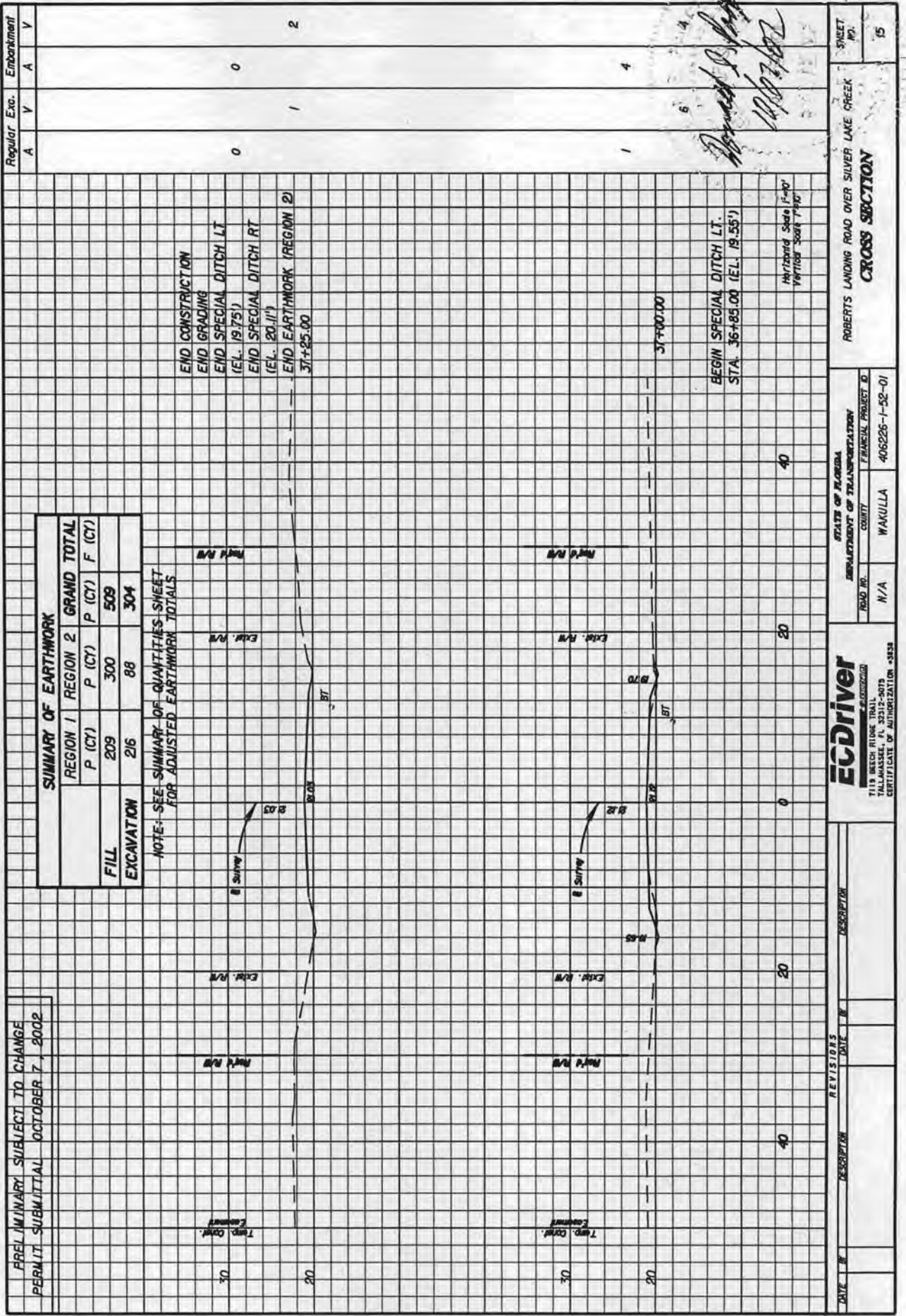


PRELIMINARY SUBJECT TO CHANGE
 PERMIT SUBMITTAL OCTOBER 7, 2002

Regular Exc.		Embankment	
A	V	A	V
13	4		
0	27		
0	0		93
0	0		134

Donald S. [Signature]
 0
 11/14/02

STATES OF FLORIDA DEPARTMENT OF TRANSPORTATION ROAD NO. N/A COUNTY WAKULLA PROJECT NO. 406226-1-52-01		ROBERTS LANDING ROAD OVER SILVER LAKE CREEK CROSS SECTION	SHEET NO. 14
EGDriver 1119 BUCK RIDGE TRAIL SUDBURY, VA 22856 CERTIFICATE OF AUTHORIZATION #3834			
DATE	DESCRIPTION	REVISIONS	DATE



PRELIMINARY SUBJECT TO CHANGE
 PERM.IT. SUBMITTAL OCTOBER 7, 2002

SUMMARY OF EARTHWORK				
	REGION 1	REGION 2	GRAND TOTAL	
	P (CY)	P (CY)	P (CY)	F (CY)
FILL	209	300	509	
EXCAVATION	216	88	304	

NOTE: SEE SUMMARY OF QUANTITIES SHEET
 FOR ADJUSTED EARTHWORK TOTALS

Regular	Exc.	Embankment	
		A	V
0	0	0	0
1	1	1	2
1	1	1	4

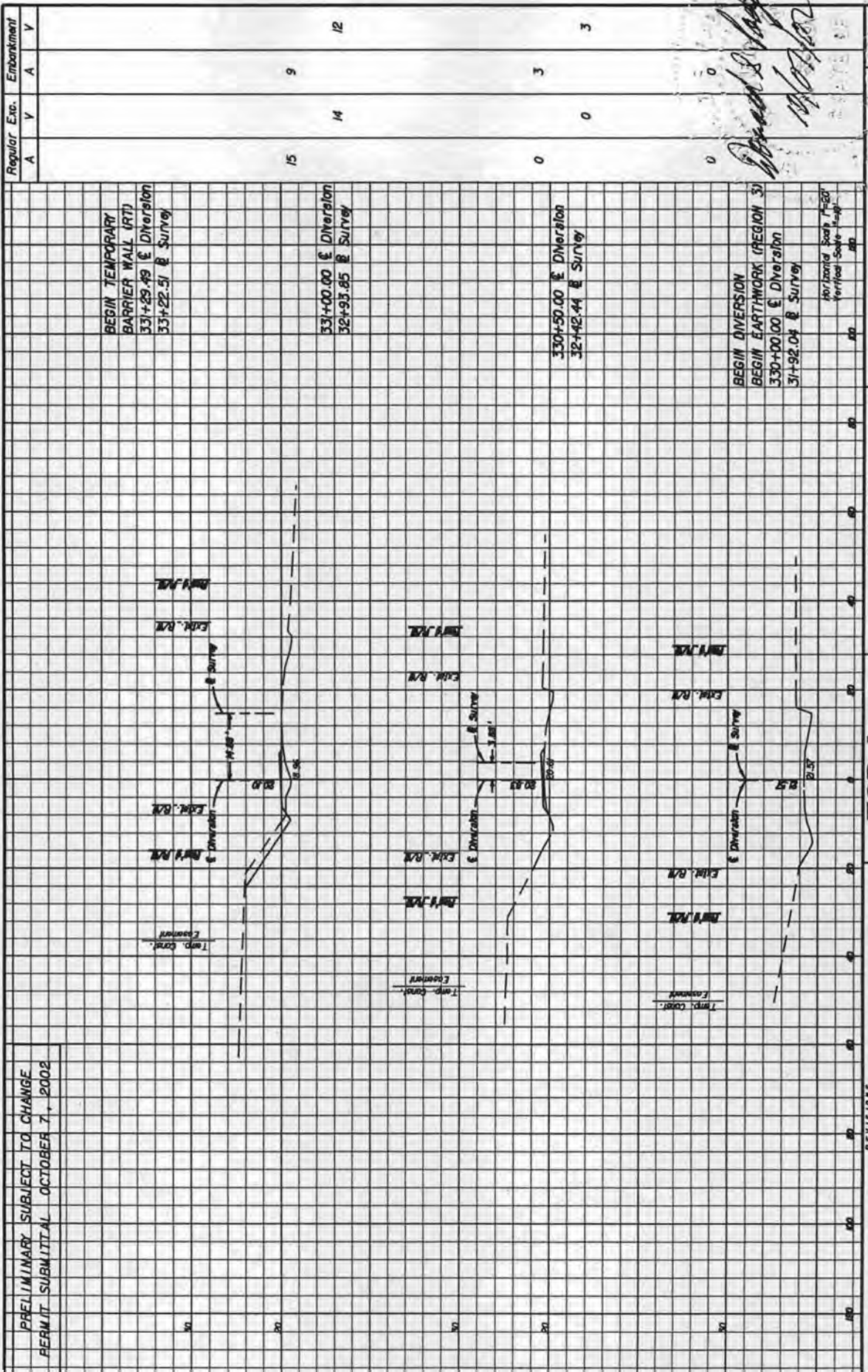
STATES OF FLORIDA
 DEPARTMENT OF TRANSPORTATION
 ROAD NO. N/A COUNTY WAKULLA PROJECT ID 406226-1-52-01
 CROSS SECTION

ROBERTS LANDING ROAD OVER SILVER LAKE CREEK
 SHEET NO. 15

ECDriver
 T119 WEECH FLORIDA TRAIL ASSOCIATION
 TALLAHASSEE, FL 32312-9075
 CERTIFICATE OF AUTHORIZATION #553

DATE	REVISION	DATE	DESCRIPTION

Approved by [Signature]
 11/10/2002



PRELIMINARY SUBJECT TO CHANGE
 PERMIT SUBMITTAL OCTOBER 7, 2002

Regular Exc.	Embankment	
	A	V
15	9	12
0	3	3
0	0	0

BEGIN TEMPORARY
 BARRIER WALL (RT)
 331+29.49 @ Diversion
 331+22.51 @ Survey

331+00.00 @ Diversion
 32+93.85 @ Survey

330+50.00 @ Diversion
 32+42.44 @ Survey

BEGIN DIVERSION
 BEGIN EARTHWORK (REGION 3)
 330+00.00 @ Diversion
 31+92.04 @ Survey

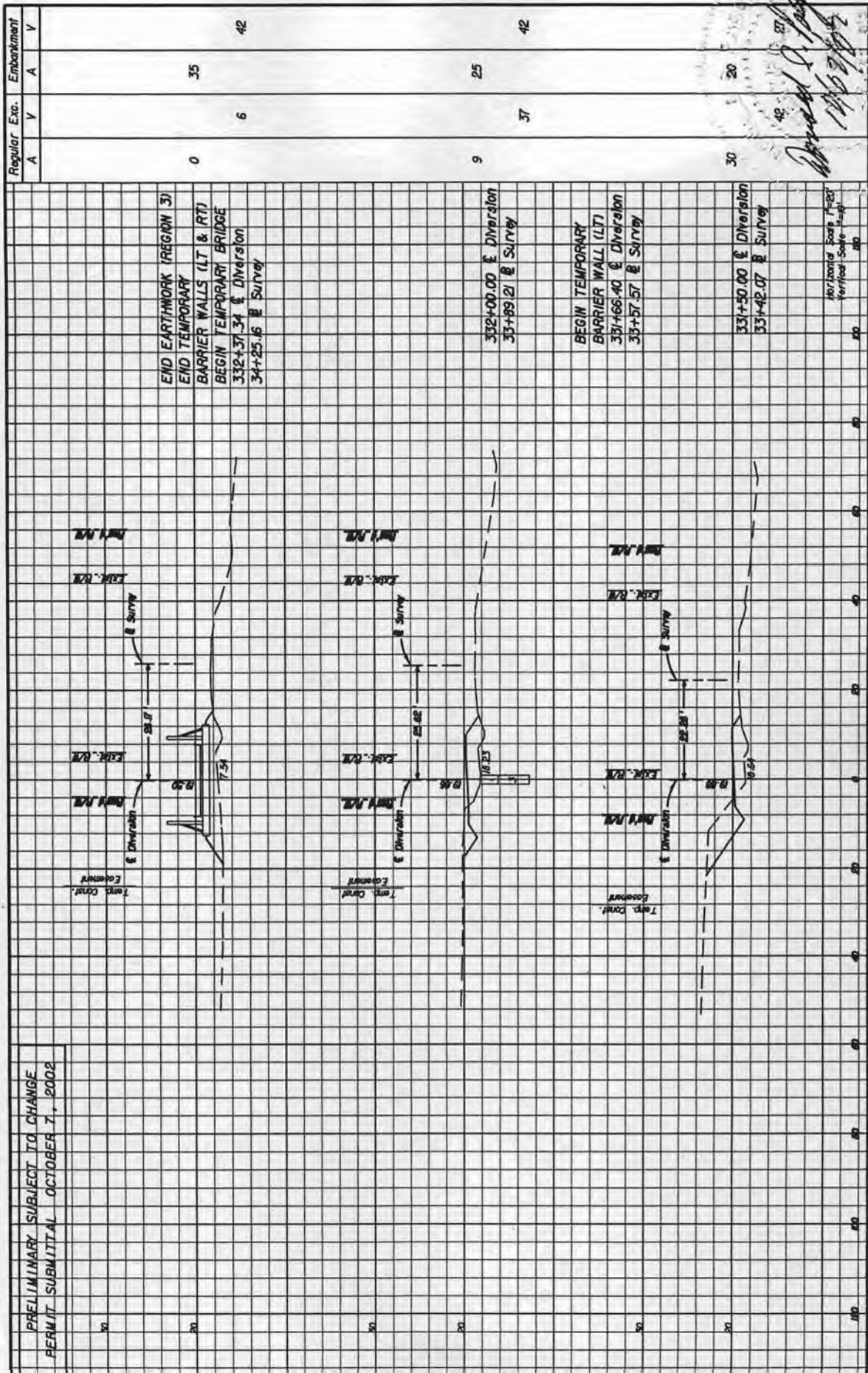
Horizontal Scale 1"=50'
 Vertical Scale 1"=5'

Donald S. Vanden
M. D. ...

DATE	DESCRIPTION	REVISOR	DATE	DESCRIPTION

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION	ROAD NO. N/A	COUNTY WAKULLA	FINANCIAL PROJECT ID 406226-1-52-01
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ECDriver 7115 BEACH RIDGE TRAIL TALLAHASSEE, FL 32312-5075 CERTIFICATE OF AUTHORIZATION #353	ROBERTS LANDING ROAD OVER SILVER LAKE CREEK TRAFFIC CONTROL PLAN CROSS SECTIONS	SHEET NO. 20
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Regular Exc.	Embankment
A	V
0	35
6	42
9	25
30	20
37	42

PRELIMINARY SUBJECT TO CHANGE
 PERMIT SUBMITTAL OCTOBER 7, 2002

ECDriver
 1113 BEECH RIDGE TRAIL
 FALLOUGHSSET, FL 32512-5071
 CERTIFICATE OF REGISTRATION #333

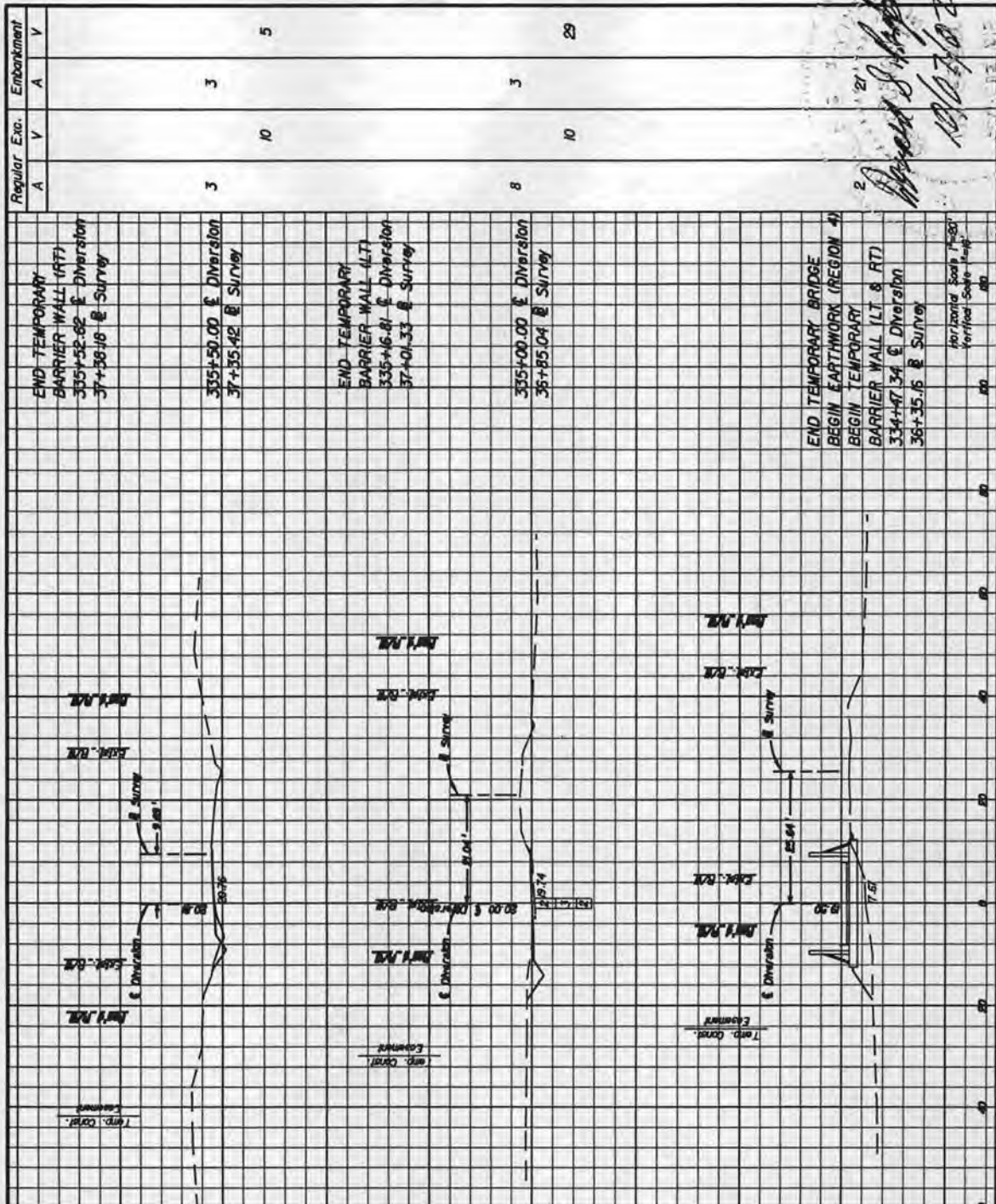
STATE OF FLORIDA
 DEPARTMENT OF TRANSPORTATION
 ROAD NO. N/A COUNTY WAKULLA PROJECT ID 406226-1-52-01

ROBERTS LANDING ROAD OVER SILVER LAKE CREEK
TRAFFIC CONTROL PLAN
CROSS SECTIONS

SHEET NO. 21

[Handwritten Signature]
 48
 37

PRELIMINARY SUBJECT TO CHANGE
 PERMIT SUBMITTAL OCTOBER 7, 2002



Regular	Exc.		Embankment
	A	V	
3			
3	10	3	5
8		3	29

21
 David S. [Signature]
 12/27/02

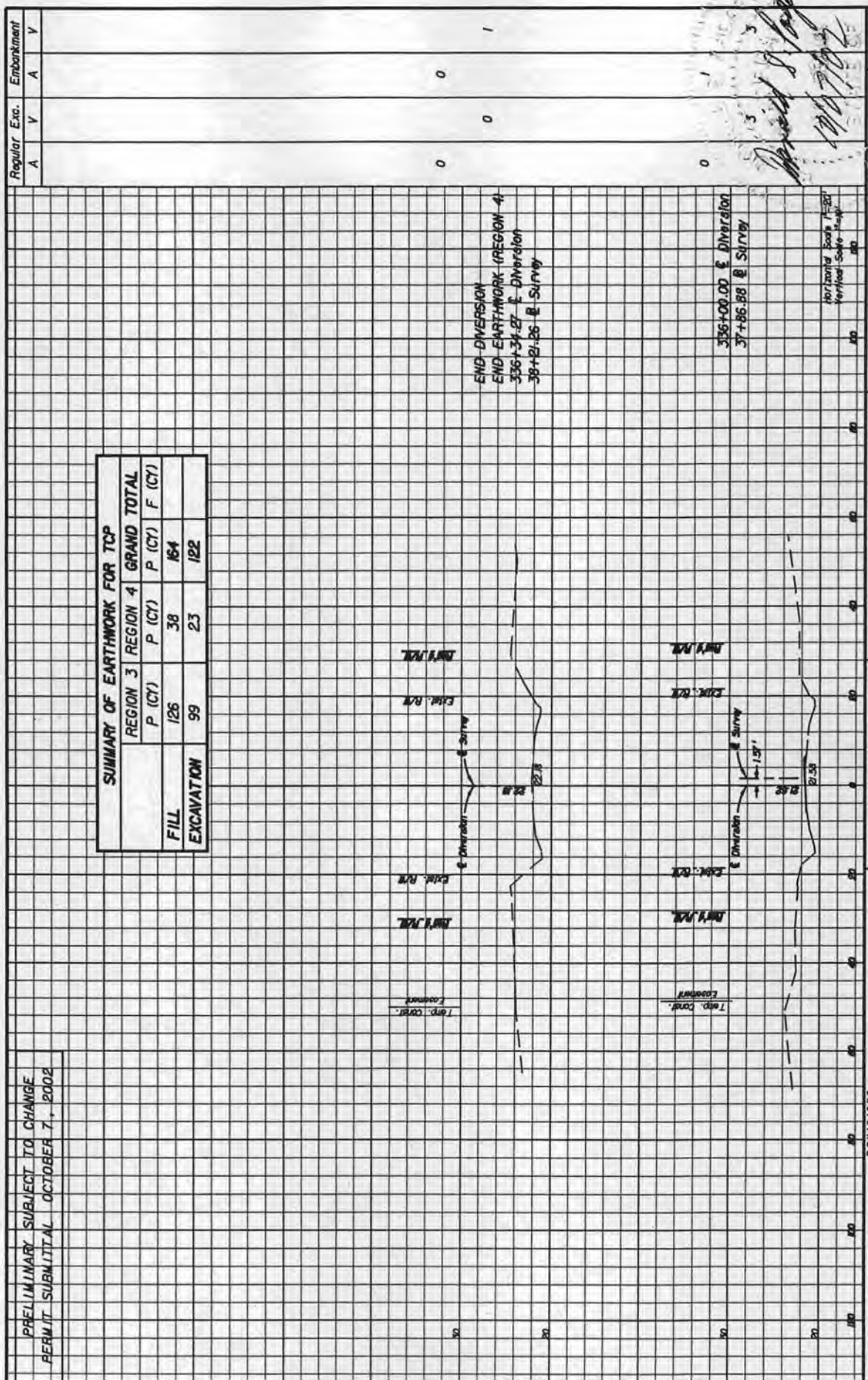
DATE	REVISIONS	DESCRIPTION

STATE OF FLORIDA	ROAD NO.	N/A	COUNTY	WAKULLA	FINANCIAL PROJECT ID	406226-1-52-01
DEPARTMENT OF TRANSPORTATION						

ROBERTS LANDING ROAD OVER SILVER LAKE CREEK	SHEET NO.	22
TRAFFIC CONTROL PLAN		
CROSS SECTIONS		

PRELIMINARY SUBJECT TO CHANGE
 PERMIT SUBMITTAL OCTOBER 7, 2002

SUMMARY OF EARTHWORK FOR TCP					
REGION 3		REGION 4		GRAND TOTAL	
P (CY)	F (CY)	P (CY)	F (CY)	P (CY)	F (CY)
126	38	23	164		
FILL		EXCAVATION		99	23
				122	182



DATE	DESCRIPTION	REVISIONS	DATE	DESCRIPTION

ECDriver
 1119 WELCH RIDGE TRAIL
 TALLAHASSEE, FL 32312-2075
 CERTIFICATE OF AUTHORIZATION #3934

STATE OF FLORIDA	ROAD NO.	N/A
DEPARTMENT OF TRANSPORTATION	COUNTY	WAKULLA
FINANCIAL PROJECT ID	406226-1-52-01	

ROBERTS LANDING ROAD OVER SILVER LAKE CREEK
TRAFFIC CONTROL PLAN
 CROSS SECTIONS

SHEET NO. 23

ATTACHMENT FOR MITIGATION PLAN FOR THREE WAKULLA COUNTY BRIDGES

Impact: US 319 (CR 377) @ Little Tide Creek—^{0.17}~~0.20~~ acre (200200233 NW-JWS)
US 319 (CR 377) @ Curtis Mill Creek—0.20 acre (200205045 NW-JWS)
Roberts Landing Rd. @ Silver Lake Cr—0.19 acre (200205047 NW-JWS)

FM No.: 220506-1-52-01; 220507-1-52-01; 406226-1-52-01

Mitigation: Tates Hell / Womack Creek Wetlands

SCOPE

Replacement of three bridges in Wakulla County (US 319 @ Little Tide Creek (200200233 NW-JWS); US 319 @ Curtis Mill Creek (200205045 NW-JWS); Roberts Landing Road @ Silver Lake Creek (200205047 NW-JWS)) is anticipated to impact 0.56 acre of wetland (per US Army Corps estimate). Normally, environmental consultants are retained by FDOT to assess and quantify wetland impacts caused by FDOT. However, no information on the type of wetlands being impacted by this project has been provided by FDOT. Analysis of 1999 DOQs and a site visit by NFWFMD staff indicate the impact wetlands were historically bottomland hardwood forest which is now maintained as part of the highway right-of-way. Any measures taken to avoid and minimize wetland impacts are the responsibility of FDOT. The NFWFMD is responsible for designing and implementing mitigation based on estimates of impacts (acreage, FLUCCS type and functional assessment when attainable) provided by FDOT.

In order to plan for sufficient mitigation, for purposes of developing this mitigation plan, it is assumed that the wetlands being impacted are of the highest quality and will be completely destroyed. In actuality, the impact wetlands are lower quality roadside areas diminished by right-of-way maintenance (mowing, etc.), runoff, and altered hydrology from ditches and berms. Preliminary WRAP scores conducted by the NFWFMD staff of the impact sites indicate a total loss of 0.28 WRAP functional units.

PROJECT GOAL

The goal of this mitigation plan is to adequately compensate for the loss of wetlands and wetland function associated with the FDOT project. To accomplish this, the NFWFMD intends to restore/enhance wetlands within the eastern portion of Tates Hell State Forest. Tates Hell State Forest is owned by the State of Florida and is managed by the Florida Division of Forestry (DOF). Measures will be taken to ensure perpetual preservation and ecological management of wetlands used for mitigation of this FDOT project. These measures will include sufficient funds for long term management. Ecological preservation and management of the mitigation site will be incorporated into DOF's Tates Hell Management Plan.

Various sites in Tates Hell were examined as potential mitigation for this FDOT project. After consideration by NFWFMD staff, the site described below was determined to be most appropriate. It is anticipated that mitigation activities on the site will be initiated by late 2003/early 2004.

MITIGATION SITE

The proposed mitigation site is in the Womack Creek drainage of Tates Hell Swamp. The proposed mitigation area is directly adjacent to the Choctawhatchee River and consists of a total of ~70 acres, ~50 acres that was historically hydric pine and ~20 acres of forested hardwood wetlands. The hydric pine areas were clear cut in the early 1990's and not replanted. The associated hardwood wetlands remained in tact and were not disturbed. Following the clear cut, the historically hydric pine areas were left fallow and allowed to regenerate. The cut over areas are now dominated by 6-20' laurel oaks, live oaks, water oak, sweet gum, maple and titi. Aerial photography flown in 1953 indicate that the site was primarily hydric pine flatwoods with some mixed hardwoods due to the fire exclusion. The NFWFMD proposes mitigate for the FDOT wetland impacts within the 70 acre site by restoring 50 acres of clear cut hydric pine by using a modified roller chop method for a site preparation, followed by burning and replanting 10 acres of the site with wire grass plugs. In turn the associated hardwood wetlands will be enhanced through the restoration of a historic high quality wetland buffer. The Womack Creek Wetlands site is appropriate as mitigation for this FDOT project because of 1) proximity to impact (within ~5 miles of all impacts), 2) mitigation funds available for this FDOT project, 3) its occurrence within the same watershed as the impact wetlands (i.e., the Ochlockonee Basin), and 4) enhancing the wetland buffer adjacent to the hardwood forested wetland.

Florida Division of Forestry staff at Tates Hell State Forest are supportive of this restoration proposal. However, there are no existing State Forest plans or funding available to do so. Using FDOT mitigation dollars to restore the site would not constitute a supplanting of other funding. The NFWFMD has worked well with Tates Hell State Forest in restoring other sections of Tates Hell Swamp. The NFWFMD will be responsible for ensuring that the restored area will be managed by DOF for ecological integrity in perpetuity.

TATES HELL STATE FOREST

Tates Hell Swamp covers some 200,000 acres (>300 mi²) of low-lying, poorly drained land between the Apalachicola and Ochlockonee rivers in the Florida Panhandle. Although this area historically was dominated by a variety of wetland types including wet savanna, wet flatwoods, cypress strands and hardwood swamps, much of the swamp was converted to slash pine (*Pinus elliotii*) plantation during the 1960s and 1970s. Degradation of Tates Hell from silvicultural operations included the construction of over 800 miles of

logging roads and drainage ditches, and the establishment of bedded pine stands. These actions disrupted natural flow patterns and caused a lowering of the water table across large sections of the swamp and ponding of some specific locations due to road construction. With the replacement of much of the natural vegetation with stands of bedded pine, the natural functions and biotic diversity (flora and fauna) of the swamp also were severely impacted.

The ecological health of the Ochlockonee and Apalachicola systems is strongly influenced by freshwater flows from Tates Hell. In the early 1990s, the NFWFMD and the State of Florida began acquiring portions of Tates Hell Swamp for wetland habitat preservation and to forestall further water quality declines. Public acquisitions now total some 150,000 acres (i.e., approximately 75% of the swamp), and are managed by the Florida Division of Forestry (DOF). Since 1993, the Northwest Florida Water Management District (NFWFMD), working with DOF, has conducted restoration of portions of Tates Hell Swamp. A long-term vision is eventual restoration of the natural communities of the entire swamp. This mitigation project will complement these ongoing efforts by focusing on an area not previously slated for restoration activities.

NATURAL RESOURCE MANAGEMENT

The NFWFMD would reach agreements with the Florida Division of Forestry (DOF) to ensure long-term management to preserve ecological and water resources. This will include incorporation of preservation strategies within the DOF Tates Hell Management Plan and provision of adequate funds for long-term preservation and ecological management.

The stated mission of the Florida Division of Forestry is to protect and maintain the biological diversity of the many ecosystems found in and around the state forests while integrating public use of the resources.

SUCCESS CRITERIA

Success criteria will consist of the implementation of appropriate mitigation at a site within the eastern portion of the Tates Hell State Forest. Historically, the site selected appeared to be a hydric pine flatwoods. Following a clear cut in the early 1990's the site regenerated as laurel oak, water oak, sweet gum, and titi thickets. It is anticipated that restoration/enhancement activities will consist of a May bulldozer chop coupled with a July burn. Previous studies have demonstrated that the historic seedbank will provide a seed source and biodiversity should greatly increase following the burn. Following the burn, 10 acres will be planted with wire grass plugs on 3' spacing (e.g., fixed-point photo documentation, vegetation transects and plots, etc.), management, and reporting will be conducted annually for the next four years. Monitoring reports describing the condition of the vegetation will be sent to the ACOE annually. Specific implementation and success criteria, as appropriate shall include of the following:

1. Mechanical reduction and burn in 2004.
2. Supplemental planting of 10 acres with wire grass plugs on 3' centers.
3. Survival of the planted wire grass plugs shall be 85%.
4. Nuisance exotic species, if present, shall be controlled and kept to less than 5% of the total percent cover for the duration of the permit.

APPLIED MITIGATION RATIO AND FUNCTIONAL ASSESSMENT

Mitigation ratios and/or functional assessment analyses, if necessary, will be determined through consultation with permitting agencies. At present, the NFWFMD is proposing ~100 to 1 (ratio of mitigation acres to impact acres).

FUNDING

Funding for mitigation activities would come from FDOT mitigation funds. At a maximum rate of \$84,548 per acre of impacted wetland, 0.56 acre of wetland impact would result in \$ 47,346.88 in funding. All reasonable attempts will be made to maximize cost savings throughout this project.

Preliminary Cost Estimates	
Planning (5%)	2,367.34
Mitigation Activities (95%)	44,979.54
Total	\$47,346.88

WORK SCHEDULE

2002/2003

- Coordination with Florida Division of Forestry (Tates Hell State Forest) to develop appropriate mitigation plan.

2003/2004

- Implement mitigation plan.

NFWFMD PERSONNEL TO IMPLEMENT MITIGATION

Robert F. Lide – Environmental Scientist

David Clayton – Environmental Scientist

Duncan J. Cairns – Chief, Environmental and Resource Planning Bureau
Dan L. Tonsmeire – Associate Water Resources Planner
Ron Bartel – Director, Resource Management Division

Other NFWWMD personnel may be called upon as needed.

CONTINGENCY PLANS

Ample wetland restoration/enhancement opportunities exist within Tates Hell State Forest. If the NFWWMD is unable to implement mitigation in a section of Tates Hell specifically approved by permitting agencies, measures will be taken, in consultation with the permitting agencies, to implement other appropriate mitigation elsewhere within Tates Hell State Forest. Mitigation efforts will continue until the wetland impacts have been adequately compensated.



REGIONAL MITIGATION PLAN

BACKGROUND INFORMATION					
Water Management District: Northwest Florida Water Management District (NFWFMD)					
Mitigation Project Name: Womack Creek Wetlands				Project Number (Provided by FDEP):	
Project Manager: Duncan J. Cairns				Phone Number: 850-539-5999	
County: Franklin					
Location of Mitigation Project (Central Lat/Long): 30° 1' 30" N / 84° 35' 13" W; Section 2 T6S R4W					
IMPACT INFORMATION					
FDOT FM#: FM 2205061, FM 2205071; FM 4062261			ERP #: Not Applicable		COE# 20220547 (NW-JWS), 200205045 (NW-JWS), 200200233 (NW-JWS)
Drainage Basin: Ochlockonee River Watershed					
Water Body: Curtis Mill Br; Little Tide Cr.; Silver Lake Cr.				SWIM Water Body?: No	
Acres and Types of impact to be offset:		0.56 Acres		615 (FLUCCS Code)	
MITIGATION ENVIRONMENTAL INFORMATION					
Mitigation Type:	<input type="checkbox"/> Creation	<input checked="" type="checkbox"/> Restoration	<input checked="" type="checkbox"/> Enhancement	<input type="checkbox"/> Preservation	Mitigation Area (Acres): 50 acres
SWIM Project?: No		Aquatic Plant Control Project?: No		Exotic Plant Control Project?: No	
Mitigation Bank?: No		If yes, give FDEP/WMD Mitigation Bank Permit #: Not Applicable			COE #: Not Available
Drainage Basin: Ochlockonee River Watershed					
Water Body: Tates Hell Swamp / Womack Creek				SWIM Water Body?: No	
Project Description					
A. Overall project goal:					
Restoration/enhancement of wetlands within the Womack Creek drainage in the eastern portion of Tates Hell State Forest, coupled with implementation of long-term ecological management.					
B. Brief description of current condition:					
Some 150,000+ acres of Tates Hell Swamp have been acquired by the NFWFMD and the State of Florida. Much of the swamp was drained and converted to pine plantation during the 1960s, and has substantial encroachment of titi and other invasive plants. Restoration/enhancement opportunities abound. Restoration of portions of the swamp has been implemented by DOF (the land manager) and the NFWFMD. This project will augment ongoing restoration efforts by focusing on 50 acres in the eastern portion of Tates Hell Swamp.					

<p>C. Brief description of proposed work:</p> <p>Restoration/enhancement will entail chopping and burning approximately 50 acres of bottomland wetland forest (FLUCCS 615 Stream and Lake Swamps) that has been impacted by past silviculture, rutting and fire exclusion. In addition, 10 acres will be planted with appropriate wetland species. Management of surrounding uplands will be conducted by DOF in accordance with their management plan (Selected portions attached). The area selected for restoration/enhancement will augment ongoing restoration efforts and will be managed for preservation in perpetuity by DOF.</p>
<p>D. Brief explanation of how this work serves to offset the impacts of the specified DOT project(s):</p> <p>Throughout Tates Hell Swamp, which is proximate to the FDOT project impacts, are substantial ecological restoration/enhancement needs due to past silviculture, ditching, and road construction. The area targeted for mitigation will provide adequate compensation regarding type and kind of wetlands (FLUCCS 615—Stream and Lake Swamps (Bottomland), proximity to impacts, and water quality functions. Restoration/Enhancement of 50 acres of bottomland forested wetlands will more than offset 0.56 acres of impact to bottomland forest (FLUCCS 615), including all secondary and cumulative impacts.</p>
<p>E. Brief explanation of why a mitigation bank was/was not chosen, including a discussion of cost:</p> <p>No permitted mitigation banks exist in the Ochlockonee River watershed or are proximate to the impacts.</p>
<p>F. Brief explanation of why a SWIM project was/was not chosen as mitigation, in whole or in part, including a discussion of cost, if the anticipated impacts are located within a SWIM water body:</p> <p>No approved swim plan exists for this waterbody and therefore no appropriate SWIM project has been identified for funding the acquisition, long-term ecological management, and potential restoration of this FDOT mitigation project.</p>

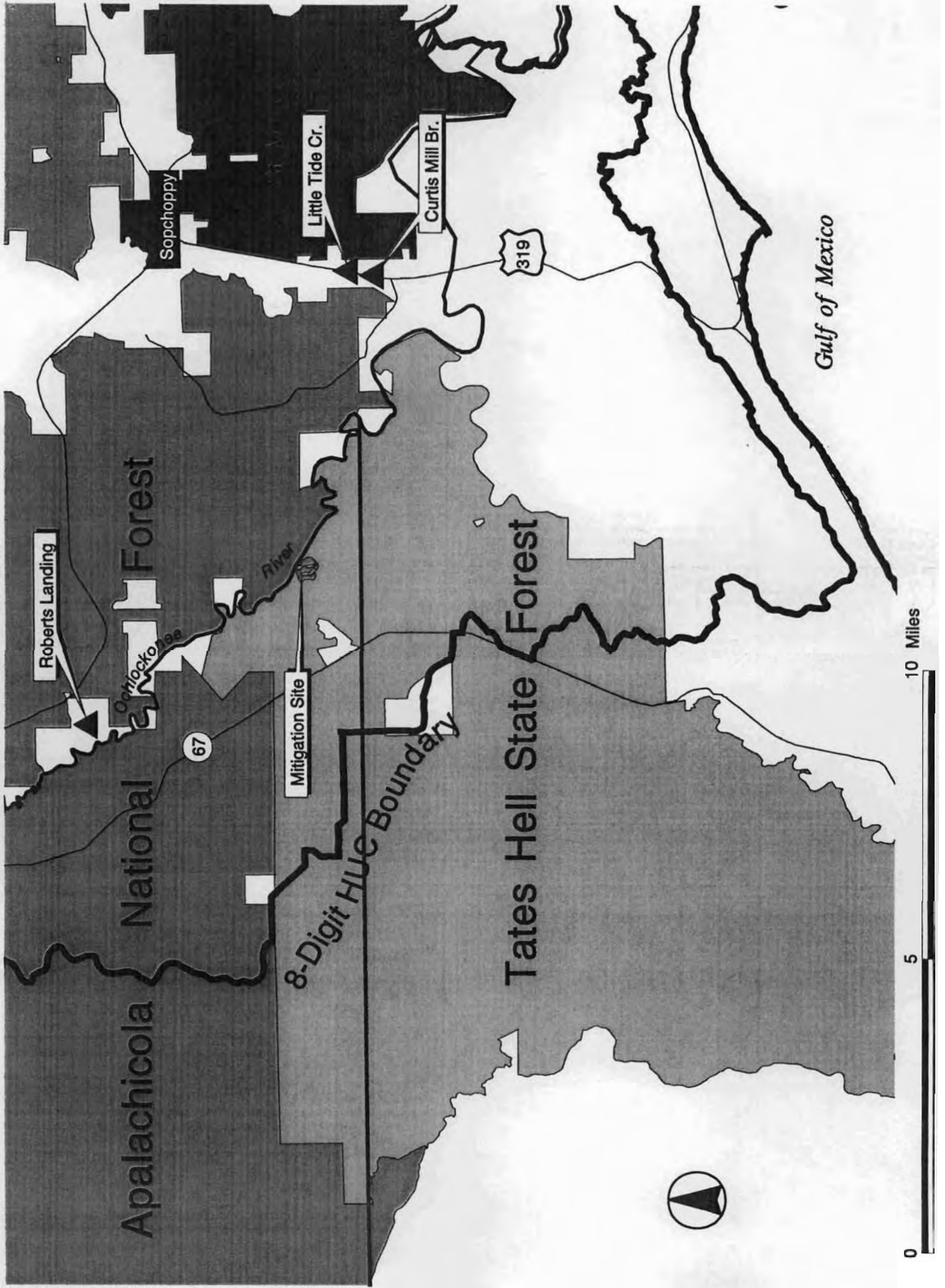
MITIGATION PROJECT IMPLEMENTATION		
Entity responsible for construction: Northwest Florida Water Management District		
Contact Name: Duncan J. Cairns (Duncan.Cairns@nwfwmnd.state.fl.us)	Phone Number: 850-539-5999	
Entity responsible for monitoring and maintenance: Northwest Florida Water Management District		
Proposed timeframe for implementation	Commence Date: 4/04	Complete Date: 4/09
Total Project Cost (attach itemized cost estimate): \$ 47,346.88 (based on \$ 84,548 / Impact Acre)		

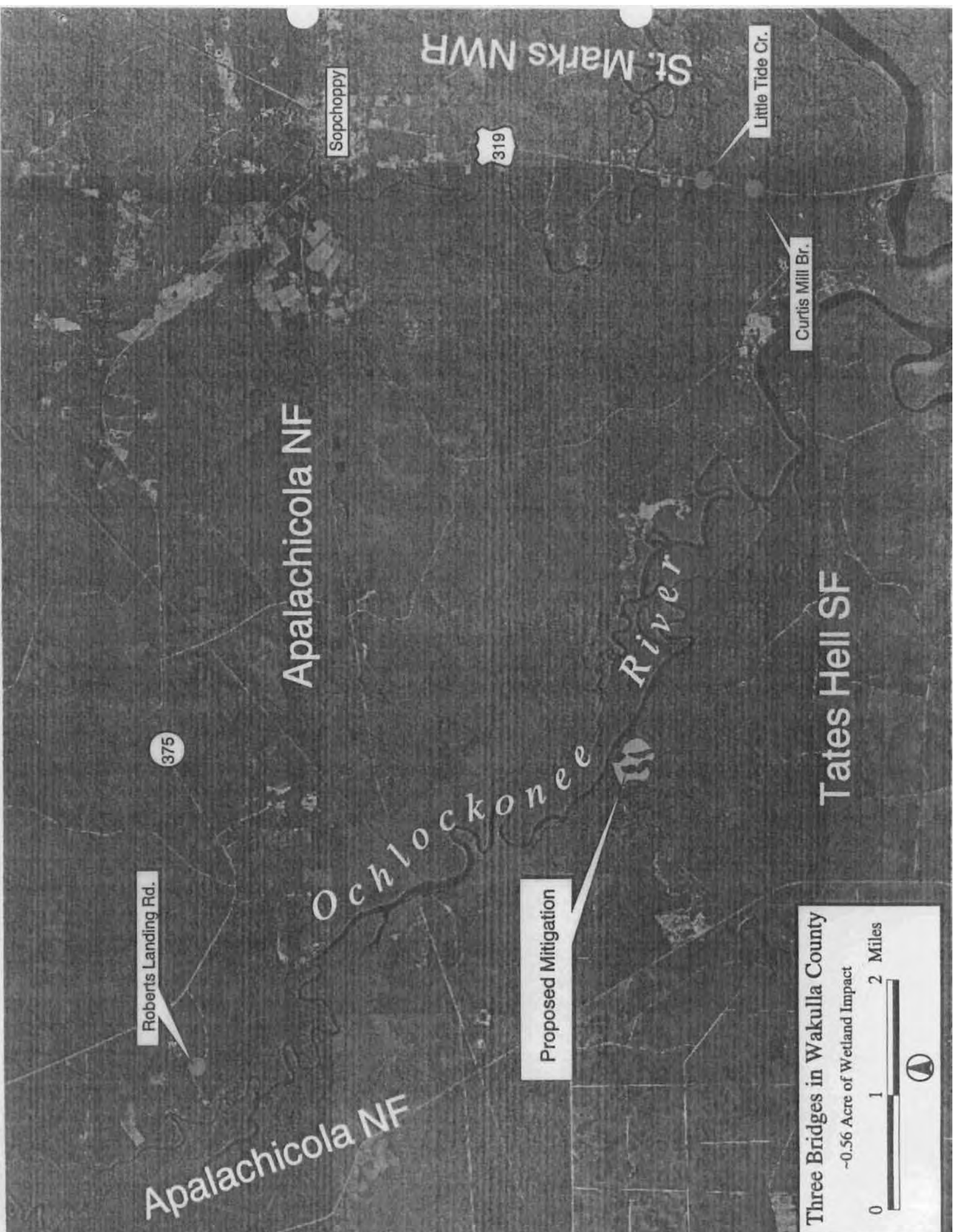
Attachments	
X	1. Detailed description of existing site and proposed work.
X	2. Location map and design drawings of existing and proposed conditions.
X	3. Recent aerial photograph with date and scale showing impact sites and mitigation area
X	4. Recent aerial photograph showing proposed mitigation area.
X	5. Historic aerial photography showing area prior to road impoundment
X	6. Current site conditions showing berm road and conversion of bottomland forested wetland to marsh
X	7. Detailed schedule for work implementation, including any and all phases
X	8. Long-term maintenance plan.
X	9. Detailed explanation of how this work serves to offset the impacts of the specified DOT project(s).

Polygon	"A" Three Bridges Impact Sites		Historic Wetland Type: Bottomland Hardwood Forest			
Acreage	0.56		Current Wetland Type: Cutover Highway Right-of-Way			
Raw WRAP Variable Scores						
Variable	"Existing" (A)	"Without" Impact (B)	"With" Impact (C)	Raw Mitigation Delta (B/3 - C/3)	Temporal Lag (T)	Adjusted Mitigation Delta (B/3 - C/3) * (T)
Wildlife Utilization	1.5	1.5	0	0.500	1	0.500
Overstory/Shrub Canopy	0.5	0.5	0	0.167	1	0.167
Vegetative Ground Cover	1.5	1.5	0	0.500	1	0.500
Adjacent Buffer	1.5	1.5	0	0.500	1	0.500
Hydrology	2	2	0	0.667	1	0.667
Water Quality Input and Treatment	2	2	0	0.667	1	0.667
Sum	9	9	0			
WRAP Scores / Deltas	0.500	0.500	0.000	0.500		0.500
Total Impact Value (Polygon Acreage * Adjusted Impact Delta)						0.28
Notes on Variable Scores						
Wildlife	"Existing"	Roadside ditch with some forest (sapling) components				
	"With"					
	"Without"					
Overstory	"Existing"	No overstory in highway right-of-way. Some sapling recruitment from adjacent bottomland hardwood forest. Impacts may extend into bottomland hardwood wetland forest.				
	"With"					
	"Without"					
Ground Cover	"Existing"	Understory vegetation consists of grasses and sedges, with some button bush and seedlings of forested species.				
	"With"					
	"Without"					
Buffer	"Existing"	Buffer includes a hardwood bottomland forest on one side and a road on the other.				
	"With"					
	"Without"					
Hydrology	"Existing"	Historic flow patterns have been altered through created roadside ditches.				
	"With"					
	"Without"					
WQ	"Existing"	Impairment from road runoff.				
	"With"					
	"Without"					
MANAGEMENT:						

Womack Creek Wetlands / In-house WRAP (1/28/03)						
Polygon	Womack Wetland	Existing	"Regrowth" (water oak / sweet gum / titi thicket)			
Acreage	50	Target	Hydric Pine Flatwoods			
Raw WRAP Variable Scores						
Variable	"Existing" (A)	"With" Mitigation (B)	"Without" Mitigation (C)	Raw Mitigation Delta (B/3 - C/3)	Temporal Lag (T)	Adjusted Mitigation Delta (B/3 - C/3) * (T)
Wildlife Utilization	2	2.75	2	0.250	0.8611	0.215
Overstory/Shrub Canopy	1	3	1	0.667	0.7324	0.489
Vegetative Ground Cover	1	3	1	0.667	0.9350	0.624
Adjacent Buffer	2.75	2.75	2.75	0.000	1	0.000
Hydrology	3	3	3	0.000	1	0.000
Water Quality Input and Treatment	3	3	3	0.000	1	0.000
Sum	12.75	17.5	12.75			
WRAP Scores / Deltas	0.708	0.972	0.708	0.264		0.221
Total Mitigation Credit (Polygon Acreage * Adjusted Mitigation Delta)						11.05
Notes on Variable Scores						
Wildlife	"Existing"	Although provides some wildlife habitat, thick water oak / sweet gum / titi eliminates species diversity.				
	"With"	Species assemblages should shift to more appropriate types as wetland recovers from "regrowth" forest to hydric pine flatwood. 10-year Lag.				
	"Without"	No Change.				
Overstory	"Existing"	Dense thicket of small water oak / sweet gum / titi.				
	"With"	Eventual recovery to hydric pine flatwood. 20-year Lag.				
	"Without"	No Change.				
Ground Cover	"Existing"	Existing water oak / sweet gum / titi thicket eliminates appropriate groundcover.				
	"With"	Shift to more appropriate ground cover species with restored natural hydrology. 5-year lag.				
	"Without"	No Change.				
Buffer	"Existing"	Natural buffer. Some possible reduction in value from forestry practices.				
	"With"	No Change.				
	"Without"	No Change.				
Hydrology	"Existing"	Appropriate hydrology.				
	"With"	No Change.				
	"Without"	No Change.				
WQ	"Existing"	Natural buffer results in excellent buffer.				
	"With"	No Change.				
	"Without"	No Change.				
MANAGEMENT: Chop (April/May) and burn (June/July).						

Impact and Potential Mitigation Sites





St. Marks NWR

Sopchoppy

319

Little Tide Cr.

Curtis Mill Br.

Apalachicola NF

Ochlockonee River

Tates Hell SF

Roberts Landing Rd.

375

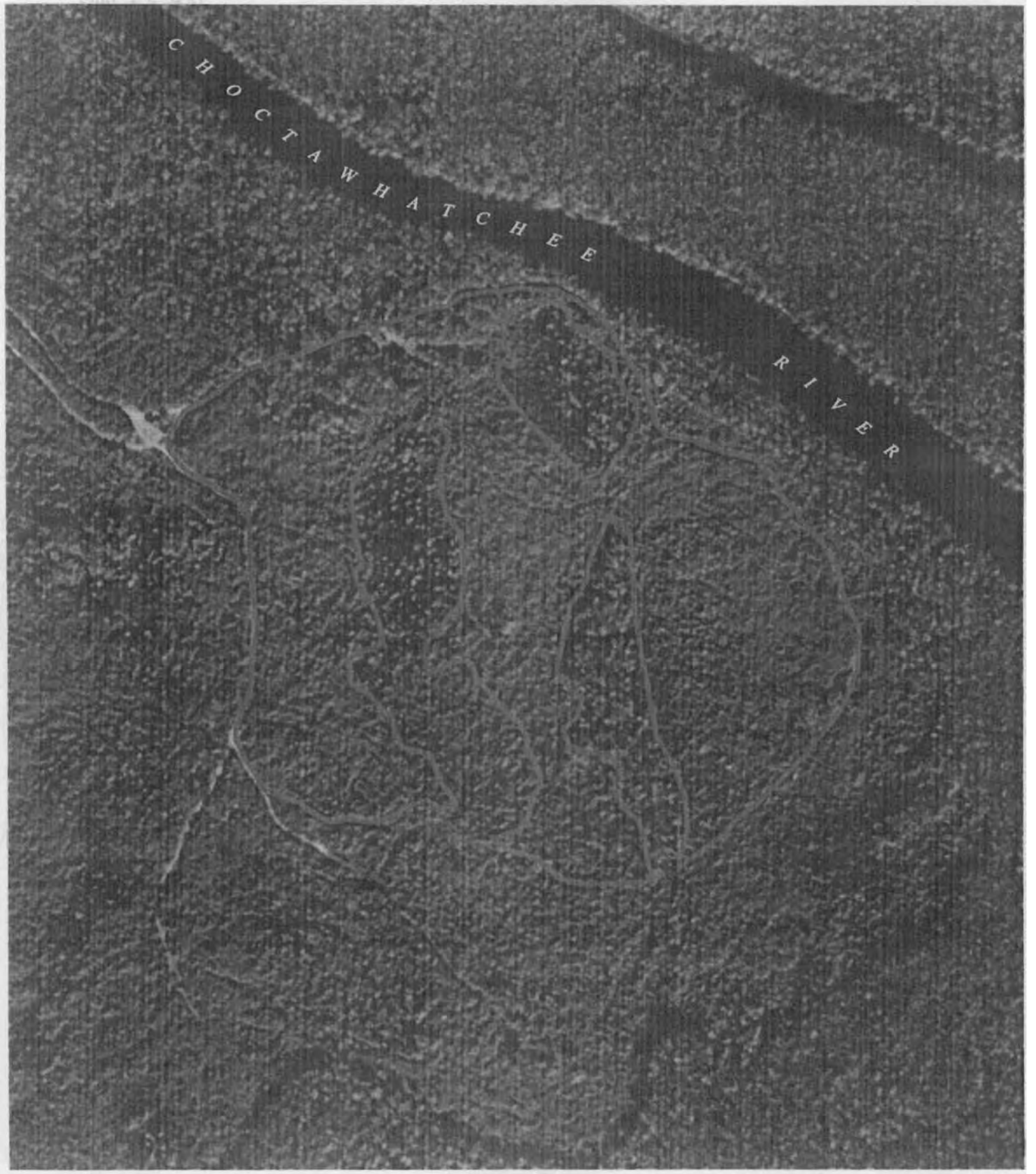
Proposed Mitigation

Apalachicola NF

Three Bridges in Wakulla County
 ~0.56 Acre of Wetland Impact

0 1 2 Miles

Tates Hell State Forest: Womack Creek Wetlands Restoration Site
(~50 Acres)



0 1000 2000 Feet



1999 DOQ

Tates Hell State Forest: Womack Creek Wetlands Restoration Site
(~50 Acres)

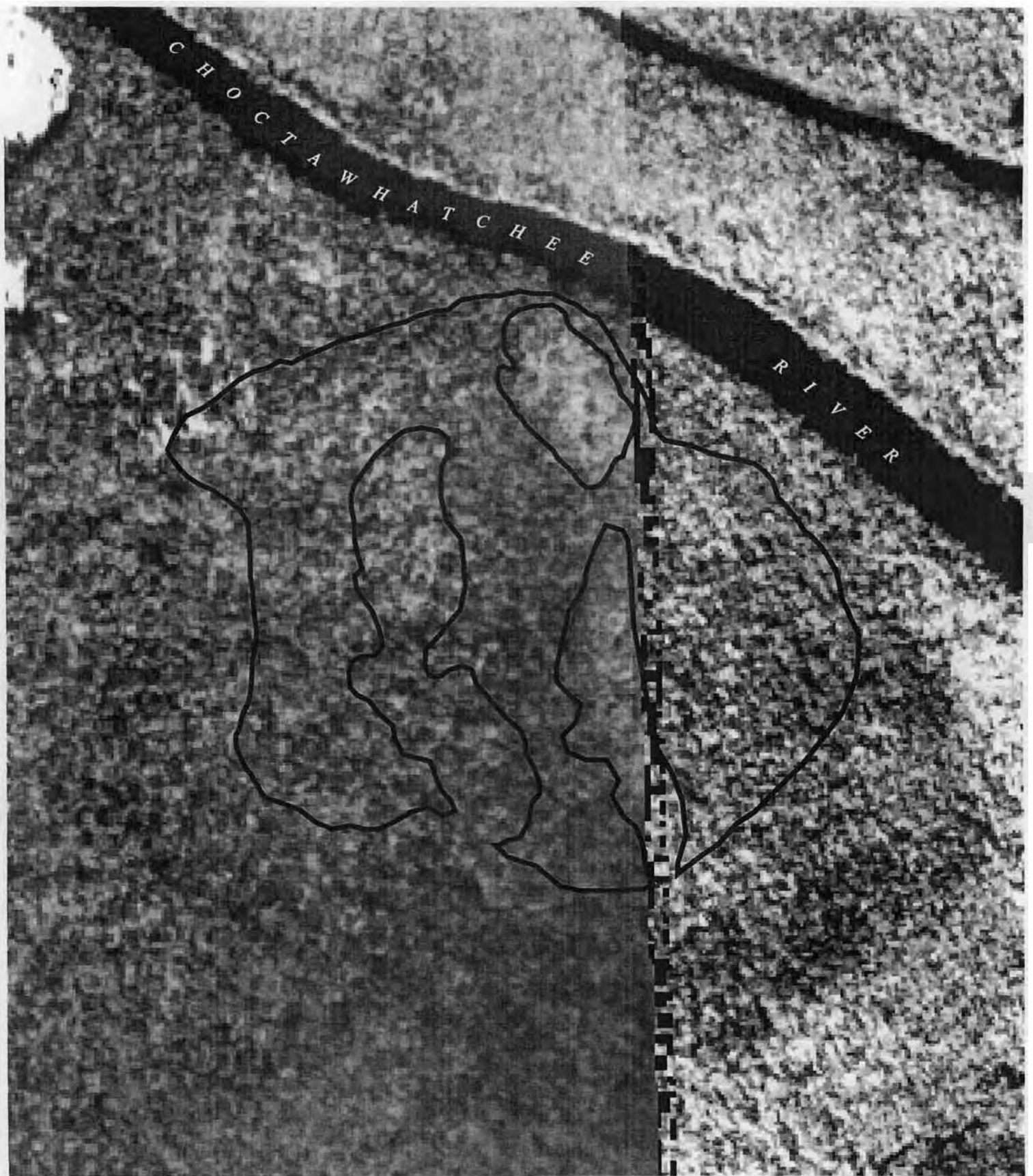


0 1000 2000 Feet



1994/5 DOQ

Tates Hell State Forest: Womack Creek Wetlands Restoration Site
(~50 Acres)



0 1000 2000 Feet



1953 B&W