



FLORIDA DEPARTMENT OF Environmental Protection

Northwest District
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Pensacola, Florida 32502-5740
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Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Interim Secretary

August 4, 2021

Okaloosa County
c/o Scott Bitterman
1759 S. Ferdon Boulevard
Crestview, FL 32536
sbitterman@myokaloosa.com

File No. 0396393-001-SFG/46, Okaloosa County

Dear Mr. Bitterman:

On December 28, 2020, we received your notice of intent to use a General Permit (GP), pursuant to Rule 62- 331.217, Florida Administrative Code (F.A.C.), to construct a new roadway from north of the proposed FDOT I-10 interchange to the US 90 intersection of Old Bethel Road, within unnamed wetlands associated with Trammel Creek, a Class III Florida waterbody. The project is located in the western portion of Crestview, Sections 13,24,25,36, Township 03 North, Range 24 West, Okaloosa County.

Your intent to use a general permit has been reviewed by Department staff for State 404 Program authorization. **Your project qualifies for authorization.** However, this letter does not relieve you from the responsibility of obtaining other federal, state, or local authorizations that may be required for the activity.

State 404 Program Review – Approved

Based on the forms, drawings, and documents submitted with your notice, it appears that the project meets the requirements for the General Permit under Rule 62-331.217, F.A.C. Any activities performed under a general permit are subject to general conditions required in Rule 62-331.201, F.A.C., the conditions of Rule 62-331.217, F.A.C. (attached), and any specific conditions, below. Any deviations from these conditions may subject the permittee to enforcement action and possible penalties. Please read each section carefully.

Please be advised that the construction phase of the GP must be completed by December 22, 2025. State 404 Program permits cannot be extended or renewed.

Specific Conditions

1. Prior to construction, the permittee shall provide the Department with documentation that 1.11 federal Palustrine Forested credits have been deducted from the ledger of the in-lieu fee Sand Hill Lakes Mitigation Bank to provide compensatory mitigation for direct and secondary impacts to mixed forested wetlands authorized by this permit.

2. Prior to construction, the limits of the proposed impact 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 to prevent encroachment from heavy equipment into these areas.
3. Best management practices for erosion control shall be implemented prior to construction commencement and shall be maintained at all times during construction to prevent siltation and turbid discharges in excess of State water quality standards pursuant to Rule 62-302, F.A.C. Methods shall include, but not limited to the use of staked haybales, staked filter cloth, sodding, seeding, staged construction and the installation of turbidity screens around the immediate project site.
4. This permit authorizes 0.497 of acres permanent wetland impacts, 0.765 acres of secondary impacts, 1.114 acres of shading impacts, and 0.603 acres of temporary construction impacts, as shown on the attached permit drawings. No other wetland areas are to be impacted, which includes but is not limited to clearing with the use of heavy equipment, filling, or excavation.
5. Any damage to wetlands outside of the authorized impact areas as a result of construction shall be immediately reported to the Department at (850)595-8300 and repaired by reestablishing the pre-construction elevations and replanting vegetation of the same species, size, and density as that in the adjacent areas. The restoration shall be completed within 30 days of completion of construction, and the Department shall be notified of its completion within that same 30-day period.
6. The permittee shall be responsible for ensuring that erosion control devices/procedures are inspected and maintained daily during all phases of construction authorized by this permit until all areas that were disturbed during construction are sufficiently stabilized to prevent erosion, siltation, and turbid discharges.
7. The following measure shall be taken by the permittee whenever siltation, sedimentation, or erosion occurs within the wetlands outside of the limits of the authorized activities:
 - a. Immediately cease all work contributing to the violation.
 - b. Stabilize all exposed soil contributing to the violation. Modify the work procedures that were responsible for the violation and install more erosion, sedimentation, and turbidity control devices.
 - c. Notify the Department within 24 hours of the time the violation occurred at (850)595-8300.
8. Construction equipment shall not be repaired or refueled in wetlands or elsewhere within waters of the state.
9. There shall be no stock piling of tools, materials, (i.e., lumber, pilings, riprap, and debris) within wetlands, along the shoreline within the littoral zone, or elsewhere within waters/waters of the state.
10. This permit does not authorize the entrenchment of water, sewer, cable or utility line within wetlands or waterbodies outside the authorized impact area.
11. All cleared vegetation, excess lumber, scrap wood, trash, garbage and any other type of debris shall be removed from wetlands/waters of the state within 14 days of completion of the work authorized in this permit.
12. This permit does not authorize the permittee to cause any adverse impact to or "take" of state listed species and other regulated species of fish and wildlife. Compliance with state laws regulating the take of fish and wildlife is the responsibility of the owner or applicant associated with this project. Please refer to Chapter 68A-27 of the Florida Administrative Code for definitions of "take" and a list of fish and wildlife species. If listed species are observed onsite, FWC staff are available to provide decision support information or assist in obtaining the appropriate FWC permits. Most marine endangered and threatened

species are statutorily protected and a “take” permit cannot be issued. Requests for further information or review can be sent to FWCConservationPlanningServices@MyFWC.com.

13. All fill areas, fill slopes, and disturbed upland areas shall be stabilized at all times during and after construction so as to prevent any erosion, sedimentation, siltation, or scouring.

Authority for review – Part IV of Chapter 373, Florida Statutes (F.S.), and Title 62, F.A.C.

Additional Information

Please retain this general permit. The activities may be inspected by authorized state personnel in the future to ensure compliance with appropriate statutes and administrative codes. If the activities are not in compliance, you may be subject to penalties under Chapter 373, F.S., and Chapter 18-14, F.A.C.

NOTICE OF RIGHTS

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the subsequent order may modify or take a different position than this action.

Petition for Administrative Hearing

A person whose substantial interests are affected by the Department’s action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rules 28-106.201 and 28-106.301, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency’s file or identification number, if known;
- (b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; the name, address, and telephone number of the petitioner’s representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner’s substantial interests will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency’s proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency’s proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency’s proposed action.

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

3000, or via electronic correspondence at Agency_Clerk@dep.state.fl.us. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant and persons entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. You cannot justifiably rely on the finality of this decision unless notice of this decision and the right of substantially affected persons to challenge this decision has been duly published or otherwise provided to all persons substantially affected by the decision. While you are not required to publish notice of this action, you may elect to do so pursuant Rule 62- 110.106(10)(a).

The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C. If you do not publish notice of this action, this waiver will not apply to persons who have not received written notice of this action.

Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399- 3000, or via electronic correspondence at Agency_Clerk@dep.state.fl.us, before the deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when this order is filed with the Clerk of the Department.

Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Florida Rules of Appellate Procedure 9.110 and 9.190 with the Clerk of the Department in the Office of General Counsel (Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000) and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice must be filed within 30 days from the date this action is filed with the Clerk of the Department.

EXECUTION AND CLERKING

Executed in Pensacola, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Elizabeth Mullins Orr
Director

Attachments:

62-331.217, F.A.C., 2 pages

General Conditions for All General Permits, Ch. 62-331.201, F.A.C., 8 pages

Project drawings, 15 pages

Certification of Compliance with State 404 Program General Permit, [form 62-331.200\(1\)](#), 1 page

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this document and all attachments were sent on the filing date below to the following listed persons:

Kim Allen, DEP, Kim.Allen@FloridaDEP.gov

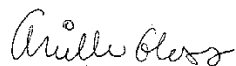
Jennifer Waltrip, DEP, Jennifer.Waltrip@FloridaDEP.gov

Josey Walker, Josey.walker@hdrinc.com

Okaloosa County, mmartinez@co.okaloosa.fl.us jautrey@co.okaloosa.fl.us sbitterman@co.okaloosa.fl.us
propertyappraiser@okaloosapa.com

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to Section 120.52, F. S., with the designated Department Clerk, receipt of which is hereby acknowledged.



Clerk

August 4, 2021

Date

62-331.217 General Permit for Linear Transportation Projects.

(1) This general permit authorizes the following activities:

(a) Activities required for crossings of state-assumed waters associated with the construction, expansion, modification, or improvement of linear transportation projects (e.g., roads, highways, railways, trails, airport runways, and taxiways) in state-assumed waters.

1. The activity cannot cause the loss of greater than 1/2-acre of state-assumed waters.

2. Any stream channel modification, including bank stabilization, is limited to the minimum necessary to construct or protect the linear transportation project; such modifications must be in the immediate vicinity of the project.

(b) Temporary structures, fills, and work, including the use of temporary mats, necessary to construct the linear transportation project.

1. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and fill, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites.

2. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows.

3. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations.

4. The areas affected by temporary fills must be revegetated.

(2) This general permit does not authorize:

(a) Non-linear features commonly associated with transportation projects, such as vehicle maintenance or storage buildings, parking lots, train stations, or aircraft hangars.

(b) Activities within the Belle Meade South area bounded by I-75 to the north, CR 951 to the west, Miller Canal to the east, and U.S. 41 to the south in Collier County.

(c) Activities within Golden Gate Estates, south of Alligator Alley in Collier County.

(d) Activities within Golden Gate Estates, that together with other activities exceed 0.5 acres of dredging or filling within Golden Gate Estates north of Alligator Alley in Collier County.

(3) The permittee must submit a notice of intent to use this general permit to the agency prior to commencing the activity if:

(a) The loss of state-assumed waters exceeds 1/10-acre.

(b) There is dredging or filling in a special aquatic site, including wetlands.

(c) The project is in the following rivers, creeks, and their tributaries.

1. Escambia River

2. Yellow River

3. Shoal River

4. Choctawhatchee River

5. Chipola River

6. Apalachicola River

7. Ochlockonee River

8. Santa Fe River

9. New River (Bradford and Union County line)

10. Econfin Creek.

(4) For activities that require notice of intent to use this general permit, the notice must include any other 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, including other separate and distant crossings that require authorization but do not require submittal of a notice of intent.

(5) For linear transportation projects crossing a single waterbody more than one time at separate and distant locations, or multiple waterbodies at separate and distant locations, each crossing is considered a single and complete project for purposes of the general permit authorization.

(6) The Agency shall require mitigation, when necessary, to ensure that the authorized activity results

in no more than minimal individual and cumulative adverse environmental effects.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.4131, 373.414(9), 373.4145, 373.4146(2), 403.805(1) FS. Law Implemented 373.118, 373.129, 373.136, 373.413, 373.4131, 373.414, 373.4145, 373.4146, 373.416, 373.422, 373.423, 373.429 FS. History—New 12-22-20.

Conditions for General Permits – Rule 62-331.201, F.A.C.

(1) General permits shall be subject to the conditions in subsections (2) and (3), below, and the general conditions for all general permits in Rule 62-330.405, F.A.C., except subsections 62-330.405(7) and (10), F.A.C. The Agency may revise the general conditions in Rule 62-330.405, F.A.C. to include references to applicable rules under this Chapter, as necessary.

(2) When a project requires submittal of a notice of intent to use a general permit, the Agency shall impose specific conditions as necessary to assure that the activities will be conducted in compliance with this Chapter, and in a manner which minimizes adverse impacts upon the physical, chemical, and biological integrity of wetlands or other surface waters, such as mitigation, monitoring, reporting, or recordkeeping requirements and protection measures for listed species or historical resources.

(3) In addition, general permits under this Chapter are subject to the following conditions:

(a) 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. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species. If a bottomless culvert cannot be used, then the crossing shall be designed and constructed to minimize adverse effects to aquatic life movements.

(b) Spawning Areas. Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

(c) Migratory Bird Breeding Areas. Activities in state-assumed waters that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

(d) Shellfish Beds. No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by general permits in Rule 62-331.211 or 62-331.244, F.A.C., or is a shellfish seeding or habitat restoration activity authorized by the general permit in Rule 62-331.225, F.A.C.

(e) Suitable Material. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or fill must be free from toxic pollutants in toxic amounts as listed in section 307 of the CWA, which is incorporated by reference in subparagraph 62-331.053(3)(a)3., F.A.C., or state law.

(f) Water Supply Intakes. No activity may occur within 1000 feet of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

(g) Fills Within 100-year Floodplains. The activity shall comply with applicable FEMA-approved state or local floodplain management requirements.

(h) Single and Complete Project. The activity must be a single and complete project. The same general permit cannot be used more than once for the same single and complete project unless otherwise stated within the general permit. (See 404 Handbook, section 3.2.1).

(i) Wild and Scenic Rivers. No general permit activity may occur in a component of the National Wild and Scenic Rivers 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.

(j) Tribal Rights. No general permit activity may cause more than minimal adverse effects on tribal rights (including treaty rights, settlement rights, or rights reserved under state or federal law), protected tribal resources (including cultural or burial resources off reservation), tribal waters, or to tribal lands.

(k) Listed species. No activity is authorized under any general permit which is likely to directly or indirectly jeopardize the continued existence of an endangered or threatened species or a species proposed for such designation, or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized under any general permit which may affect a listed species or critical habitat, unless the Agency has consulted with, or been provided technical assistance by the Florida Fish & Wildlife Conservation Commission, the U.S. Fish & Wildlife Service, and the National Marine Fisheries Service under their respective authorities and appropriate measures to address the effects of the proposed activity have been implemented or are required as a specific condition to the general permit.

(l) Migratory Birds and Bald and Golden Eagles. The permittee is responsible for ensuring their action complies with the Migratory Bird Treaty Act, 16 U.S.C. §§ 703 – 712 (2018), incorporated by reference herein (<https://www.flrules.org/Gateway/reference.asp?No=Ref-12068>), and the Bald and Golden Eagle Protection Act, 16 U.S.C. §§ 668 – 668(d) (2018), incorporated by reference herein (<https://www.flrules.org/Gateway/reference.asp?No=Ref-12069>). The permittee is responsible for contacting the appropriate local office of the U.S. Fish and Wildlife Service to determine applicable measures to reduce impacts to migratory birds or eagles, including whether incidental take permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.

(m) Historic Properties. In cases where the Agency determines, based on information from SHPO, that the activity may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized until a determination of “no effect” or “no adverse effect” is provided by SHPO.

(n) Manatees. In waters that are accessible to manatees, the permittee shall follow the “Standard Manatee Conditions for In-Water Work (2011)”, incorporated by reference herein (<https://www.flrules.org/Gateway/reference.asp?No=Ref-12070>).

(o) Sea turtles, smalltooth sawfish, Gulf sturgeon, or shortnose sturgeon. In waters that are accessible to these species, the permittee shall follow the “Sea Turtle and Smalltooth Sawfish Construction Conditions” (March 23, 2006), incorporated by reference herein (<https://www.flrules.org/Gateway/reference.asp?No=Ref-12071>).

(p) Use of Multiple General Permits. The use of more than one general permit under this Chapter for a single and complete project is prohibited, except when specified within a specific general permit, or when the acreage loss of state-assumed waters authorized by the general permits does not exceed the acreage limit of the general permit with the highest specified acreage limit.

(q) Transfer of General Permit Verifications. If the permittee sells the property associated with the general permit verification, the permittee shall transfer the general permit verification to the new owner by submitting a completed Form 62-331.100(1) – “Transfer of State 404 Program General Permit Verification” (effective date), incorporated by reference in subsection 62-331.100(2), F.A.C., within 30 days of the sale, to the Agency that processed the original notice.

(r) Compliance Certification. Each permittee who receives a general permit verification letter under this Chapter must submit a completed Form 62-331.200(1) – “Certification of Compliance with a State 404 Program General Permit” (effective date), incorporated by reference in subsection 62-331.200(4), F.A.C., within 30 days of completion of the authorized activity, or the implementation of any required compensatory mitigation, whichever is later.

(s) Activities Affecting Structures or Work Built by the United States. If an activity also requires permission from the Corps pursuant to 33 U.S.C. § 408 because it will alter or temporarily or permanently occupy or use a Corps federally authorized Civil Works project, the prospective permittee is responsible for obtaining such permission separately from the Corps prior to commencing activities authorized by the general permit.

(t) If during the ground disturbing activities and construction work within the permit area, there are archaeological or cultural materials encountered which were not the subject of a previous cultural resources assessment survey or to which such impacts were not anticipated, including but not limited to pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes, evidence of structures or any other physical remains that could be associated with Native American cultures or early colonial or American settlement; the Permittee shall immediately stop all work and ground-disturbing activities within a 100-meter diameter of the discovery and notify the Agency within the same business day. The Agency shall then notify the State Historic Preservation Officer (SHPO) and the appropriate Tribal Historic Preservation Officer(s) (THPO(s)) or tribe when the interested tribe does not have a THPO, to assess the significance of the discovery and devise appropriate actions.

(u) Additional cultural resources assessments may be required of the permit area in the case of unanticipated discoveries or effects to historic properties as referenced in accordance with

condition (t), above, and if deemed necessary by the SHPO, or THPO(s), Tribes, or Agency. Based on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Agency may modify, suspend, or revoke the permit in accordance with Rule 62-331.080, F.A.C. Such activity shall not resume without written authorization from the SHPO and THPO(s), or tribe when the interested tribe does not have a THPO, concerning potential effects to cultural resources or historic properties for finds under their jurisdiction, and from the Agency.

(v) In the event that unmarked human remains are identified, they shall be treated in accordance with Section 872.05, F.S. All work and ground-disturbing activities within a 100-meter diameter of the unmarked human remains shall immediately cease and the Permittee shall immediately notify the medical examiner, Agency, and State Archaeologist within the same business day. The Agency shall then notify the appropriate SHPO and THPO(s) and appropriate tribes and other appropriate consulting parties. Based on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Agency may modify, suspend, or revoke the permit in accordance with Rule 62-331.080, F.A.C. Such activity shall not resume without written authorization from the medical examiner, State Archaeologist, and from the Agency. Additionally, if the unmarked remains were identified on federal lands, or lands where the Archaeological Resources Protection Act, 16 U.S.C. §§ 470aa – 470mm (2018), incorporated by reference herein (<https://www.flrules.org/Gateway/reference.asp?No=Ref-12072>), or the Native American Graves Protection Repatriation 25 U.S.C. §§ 3001-3013 (2018), incorporated by reference herein (<https://www.flrules.org/Gateway/reference.asp?No=Ref-12073>), applies, such activity shall not resume without written authorization from the SHPO, the appropriate THPO(s), and the federal land manager.

(w) Noncompliance. The permittee shall timely notify the Agency of any expected or known actual noncompliance.

(x) Inspection and entry. The permittee shall allow the Agency, upon presentation of proper identification, at reasonable times to:

1. Enter upon the permittee's premises where a regulated activity is located or where records must be kept under the conditions of the permit,
2. Have access to and copy any records that must be kept under the conditions of the permit,
3. Inspect operations regulated or required under the permit, and
4. Sample or monitor, for the purposes of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

(y) The permittee shall comply with all conditions of the permit, even if that requires halting or reducing the permitted activity to maintain compliance. Any permit violation constitutes a violation of Part IV of Chapter 373, F.S., and this Chapter, as well as a violation of the CWA.

(z) The permittee shall take all reasonable steps to prevent any unauthorized dredging or filling in violation of this permit.

(aa) Upon Agency request, the permittee shall provide information necessary to determine compliance status, or whether cause exists for permit modification, revocation, or termination.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.4131, 373.414(9), 373.4145, 373.4146(2), 403.805(1) FS. Law Implemented 373.118, 373.129, 373.136, 373.413, 373.4131, 373.414, 373.4145, 373.4146, 373.416, 373.422, 373.423, 373.429 FS. History – New 12.22.2020.

62-330.405 General Conditions for All General Permits.

The following general permit conditions are binding upon the permittee and are enforceable under chapter 373, F.S. These conditions do not apply to the general permit for stormwater management systems under section 403.814(12), F.S

(1) The general permit is valid only for the specific activity indicated. Any deviation from the specified activity and the conditions for undertaking that activity shall constitute a violation of the permit and may subject the permittee to enforcement action and revocation of the permit under chapter 373, F.S

(2) The general permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any construction, alteration, operation, maintenance, removal or abandonment authorized by this permit; and it does not authorize any violation of any other applicable federal, state, local, or special district laws (including, but not limited to, those governing the “take” of listed species).

(3) The general permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the general permit.

(4) The general permit does not relieve the permittee from liability and penalties when the permitted activity causes harm or injury to: human health or welfare; animal, plant or aquatic life; or property. It does not allow the permittee to cause pollution that violates state water quality standards.

(5) Section 253.77, F.S., provides that a person may not commence any excavation, construction, or other activity involving the use of state-owned or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required consent, lease, easement, or other form of authorization authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on state-owned lands.

(6) The authorization to conduct activities under a general permit may be modified, suspended or revoked in accordance with chapter 120, F.S., and section 373.429, F.S.

(7) Not applicable.

(8) Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the permitted system to ensure conformity with the plans and specifications approved by the general permit.

(9) The permittee shall maintain any permitted project or activity in accordance with the plans submitted to the Agency and authorized in the general permit.

(10) Not applicable.

(11) Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be implemented and maintained immediately prior to, during, and after construction as needed to stabilize all disturbed areas, including other measures specified in the permit to prevent adverse impacts to the water resources and adjacent lands. Erosion and sediment control measures shall be installed and maintained in accordance with the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation, June 2007)*, available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-04227>, and the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008)*, available at http://publicfiles.dep.state.fl.us/DEAR/Stormwater_Training_Docs/erosion-inspectors-manual.pdf.

(12) Unless otherwise specified in the general permit, temporary vehicular access within wetlands during construction shall be performed using vehicles generating minimum ground pressure to minimize rutting and other environmental impacts. Within forested wetlands, the permittee shall choose alignments that minimize the destruction of mature wetland trees to the greatest extent practicable. When needed to prevent rutting or soil compaction, access vehicles shall be operated on wooden, composite, metal, or other non-earthen construction mats. In all cases, access in wetlands shall comply with the following:

(a) Access within forested wetlands shall not include the cutting or clearing of any native wetland tree having a diameter four inches or greater at breast height;

(b) The maximum width of the construction access area shall be limited to 15 feet;

(c) All mats shall be removed as soon as practicable after equipment has completed passage through, or work has been completed, at any location along the alignment of the project, but in no case longer than seven days after equipment has completed work or passage through that location; and

(d) Areas disturbed for access shall be restored to natural grades immediately after the maintenance or repair is completed.

(13) Barges or other work vessels used to conduct in-water activities shall be operated in a manner that prevents unauthorized dredging, water quality violations, and damage to submerged aquatic communities.

(14) The construction, alteration, or use of the authorized project shall not adversely impede navigation or create a navigational hazard in the water body.

(15) Except where specifically authorized in the general permit, activities must not:

(a) Impound or obstruct existing water flow, cause adverse impacts to existing surface water storage and conveyance capabilities, or otherwise cause adverse water quantity or flooding impacts to receiving water and adjacent lands; or

(b) Cause an adverse impact to the maintenance of surface or ground water levels or surface water flows established pursuant to section 373.042, F.S., or a Works of the District established pursuant to section 373.086, F.S.

(16) If prehistoric or historic artifacts, such as pottery or ceramics, projectile points, stone tools, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities involving subsurface disturbance in the vicinity of the discovery. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance Review Section (DHR), at (850)245-6333, as well as the appropriate permitting agency office. Project activities shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and the proper authorities notified in accordance with section 872.05, F.S.

(17) The activity must be capable, based on generally accepted engineering and scientific principles, of being performed and of functioning as proposed, and must comply with any applicable District special basin and geographic area criteria.

(18) The permittee shall comply with the following when performing work within waters accessible to federally- or state-listed aquatic species, such as manatees, marine turtles, smalltooth sawfish, and Gulf sturgeon:

(a) All vessels associated with the project shall operate at "Idle Speed/No Wake" at all times while in the work area and where the draft of the vessels provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

(b) All deployed siltation or turbidity barriers shall be properly secured, monitored, and maintained to prevent entanglement or entrapment of listed species.

(c) All in-water activities, including vessel operation, must be shut down if a listed species comes within 50 feet of the work area. Activities shall not resume until the animal(s) has moved beyond a 50-foot radius of the in-water work, or until 30 minutes elapses since the last sighting within 50 feet. Animals must not be herded away or harassed into leaving. All onsite project personnel are responsible for observing water-related activities for the presence of listed species.

(d) Any listed species that is killed or injured by work associated with activities performed shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1(888)404-3922 and ImperiledSpecies@myFWC.com.

(e) Whenever there is a spill or frac-out of drilling fluid into waters accessible to the above species during a directional drilling operation, the FWC shall be notified at ImperiledSpecies@myfwc.com with details of the event within 24 hours following detection of the spill or frac-out.

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

(20) The permittee shall immediately notify the Agency in writing of any submitted information that is discovered to be inaccurate.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.044, 373.118(1), 373.129, 373.136, 373.406(5), 373.413, 373.4131, 373.414(9), 373.4145, 373.416, 373.422, 373.423, 373.429, 403.814(1) FS. History—New 10-3-95, Amended 10-1-07, Formerly 62-341.215, Amended 10-1-13, 6-1-18.

Certification of Compliance with a State 404 Program General Permit

Instructions: To be completed, executed, and submitted to the Agency within 30 days of completion of the authorized activity.

Permit No:

Permittee's Name:

Permittee's Address:

Telephone Number:

Location of the Work:

Date Work Started:

Date Work Completed:

PROPERTY IS INACCESSIBLE WITHOUT PRIOR NOTIFICATION: YES NO
TO SCHEDULE AN INSPECTION, PLEASE CONTACT AT

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

Acreage or Square Feet of Impacts to state-assumed waters:

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).

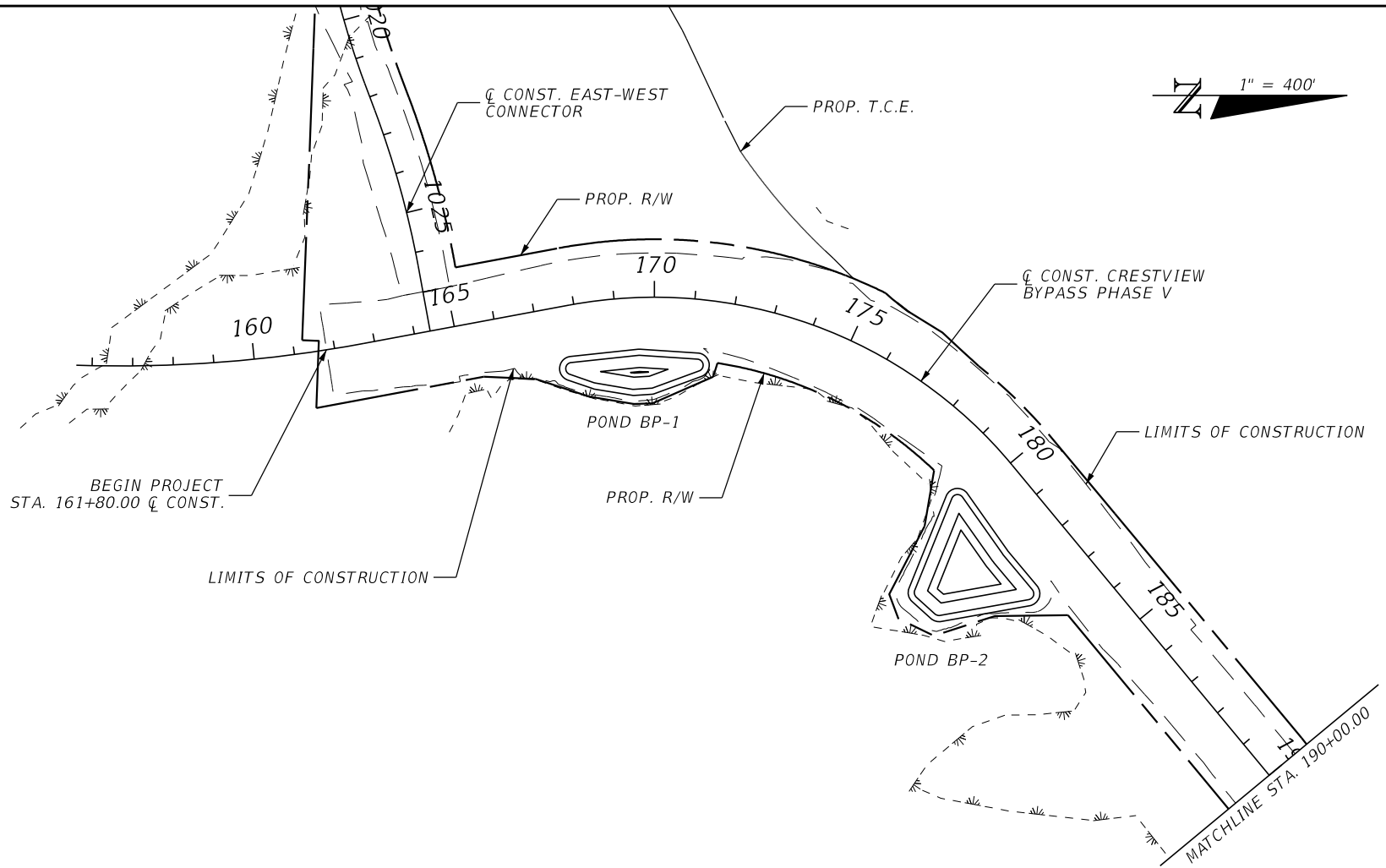
Signature of Permittee

Date:

Name and Title

Enclosures:

- ☐ Attached drawing(s) depicting deviations from the permit (if any)
☐ Other



NOTE: EAST-WEST CONNECTOR
PERMITTED SEPARATELY

LEGEND

--- WETLAND LINE

(XX) SHEET NUMBER

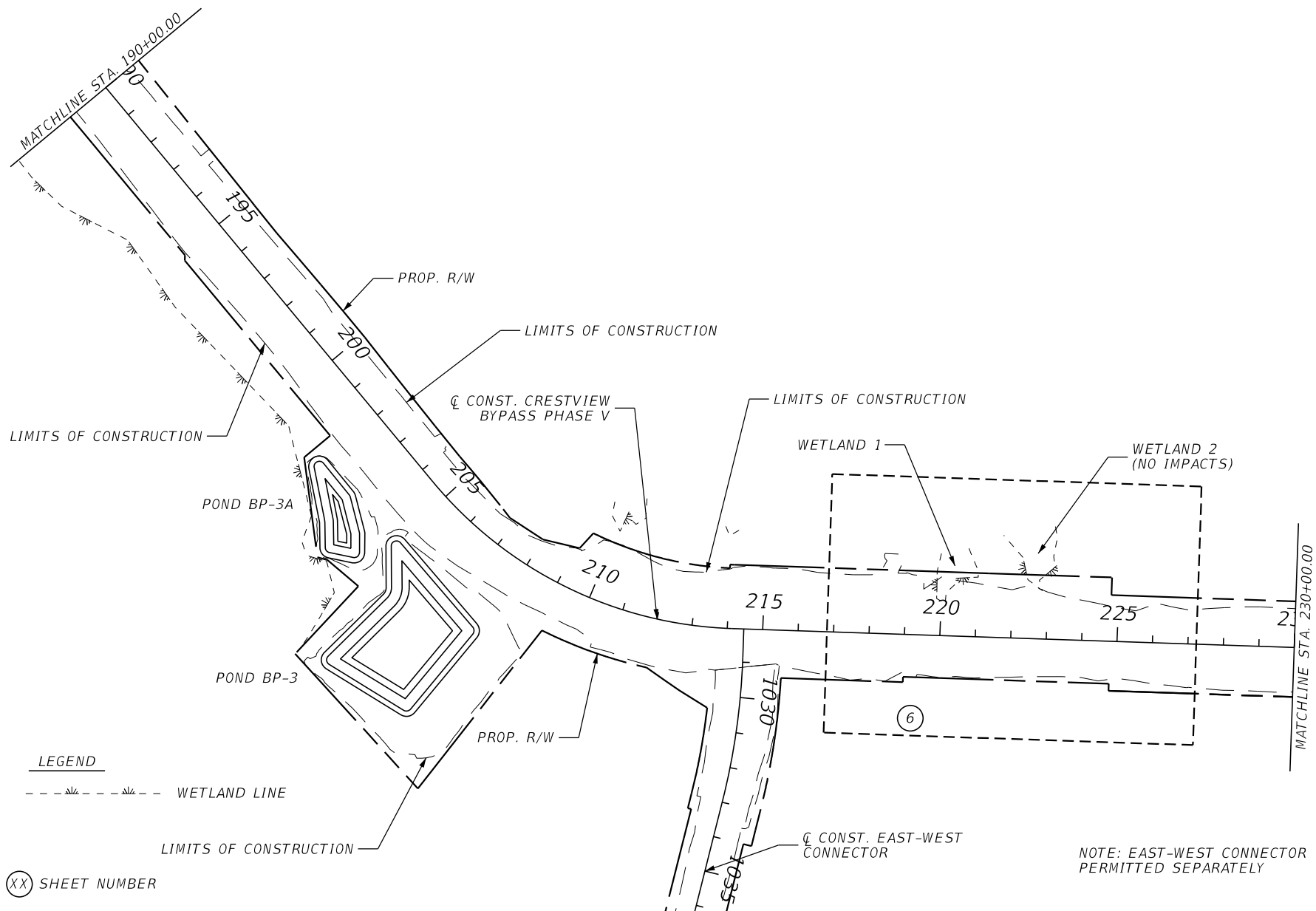
REVISIONS				Michael B. Collins, P.E. P.E. LICENSE NUMBER 68603 HDR Engineering, Inc. 25 West Cedar Street, Suite 200 Pensacola, FL 32502-5945 CERTIFICATE OF AUTHORIZATION 4213	 OKALOOSA COUNTY	PROJECT LAYOUT CRESTVIEW BYPASS PHASE V	SHEET NO. 1
DATE	DESCRIPTION	DATE	DESCRIPTION				
	NOT FOR CONSTRUCTION FOR PERMITTING PURPOSES ONLY						

MHO:RNE

12/19/2019

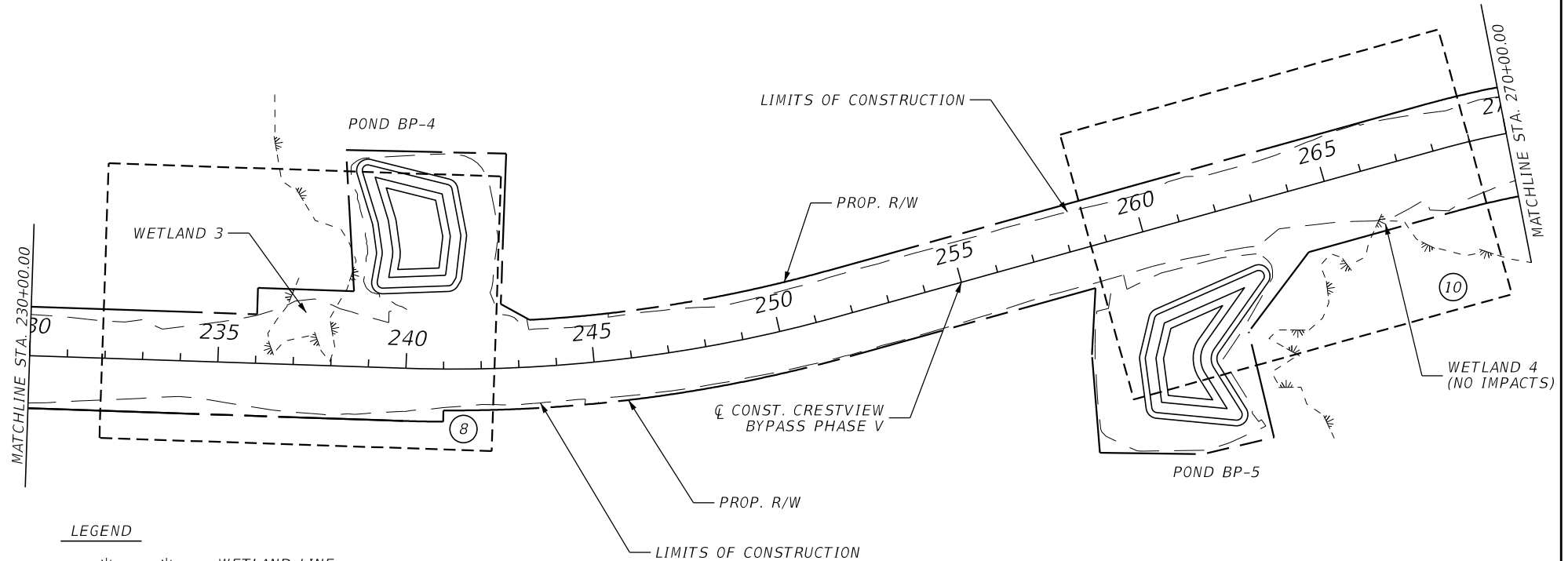
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PW:\



(XX) SHEET NUMBER

REVISIONS				Michael B. Collins, P.E. P.E. LICENSE NUMBER 68603 HDR Engineering, Inc. 25 West Cedar Street, Suite 200 Pensacola, FL 32502-5945 CERTIFICATE OF AUTHORIZATION 4213		OKALOOSA COUNTY	PROJECT LAYOUT CRESTVIEW BYPASS PHASE V	SHEET NO.
DATE	DESCRIPTION	DATE	DESCRIPTION					2
	NOT FOR CONSTRUCTION FOR PERMITTING PURPOSES ONLY							

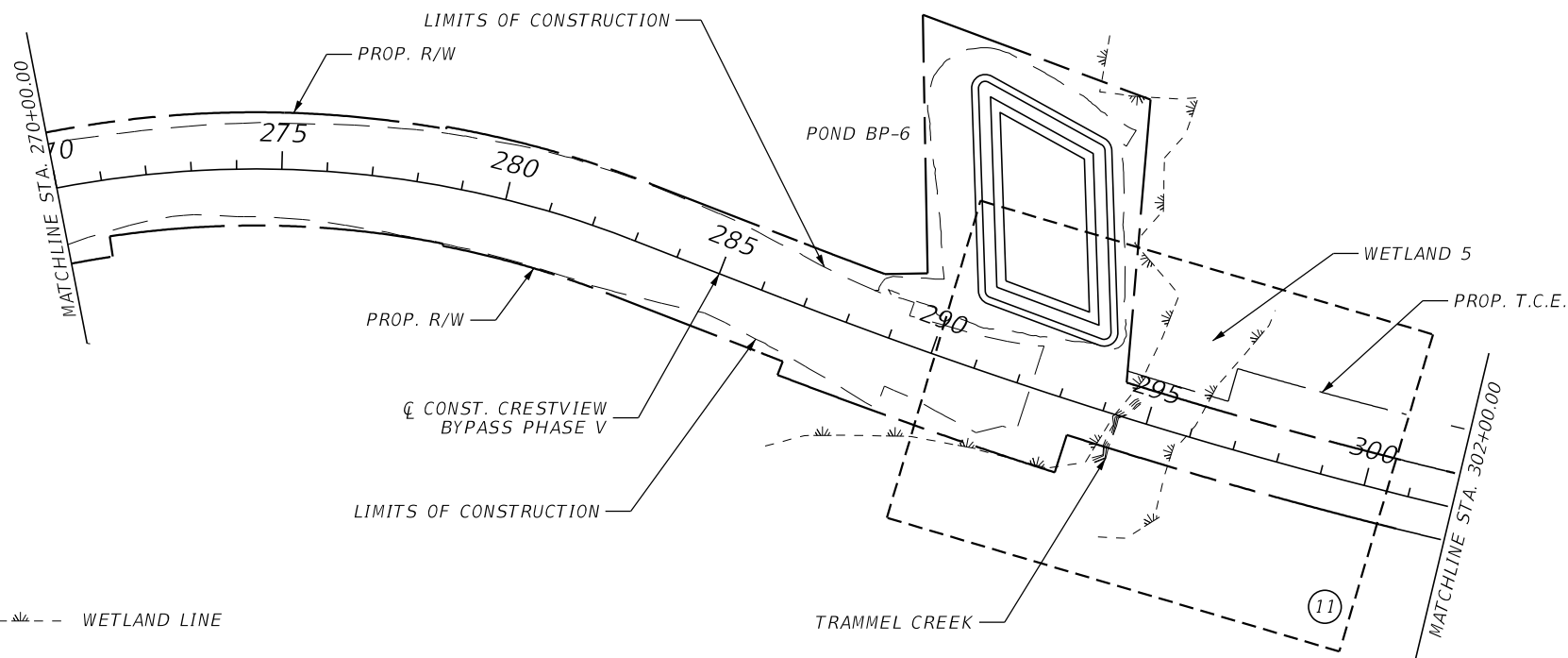


LEGEND

--- WETLAND LINE

(XX) SHEET NUMBER

REVISIONS				Michael B. Collins, P.E. P.E. LICENSE NUMBER 68603 HDR Engineering, Inc. 25 West Cedar Street, Suite 200 Pensacola, FL 32502-5945 CERTIFICATE OF AUTHORIZATION 4213	OKALOOSA COUNTY	PROJECT LAYOUT CRESTVIEW BYPASS PHASE V	SHEET NO.
DATE	DESCRIPTION	DATE	DESCRIPTION				
	NOT FOR CONSTRUCTION FOR PERMITTING PURPOSES ONLY						3



LEGEND

--- WETLAND LINE

(XX) SHEET NUMBER

REVISIONS				Michael B. Collins, P.E. P.E. LICENSE NUMBER 68603 HDR Engineering, Inc. 25 West Cedar Street, Suite 200 Pensacola, FL 32502-5945 CERTIFICATE OF AUTHORIZATION 4213	OKALOOSA COUNTY	PROJECT LAYOUT CRESTVIEW BYPASS PHASE V	SHEET NO. 4
DATE	DESCRIPTION	DATE	DESCRIPTION				
	NOT FOR CONSTRUCTION FOR PERMITTING PURPOSES ONLY						

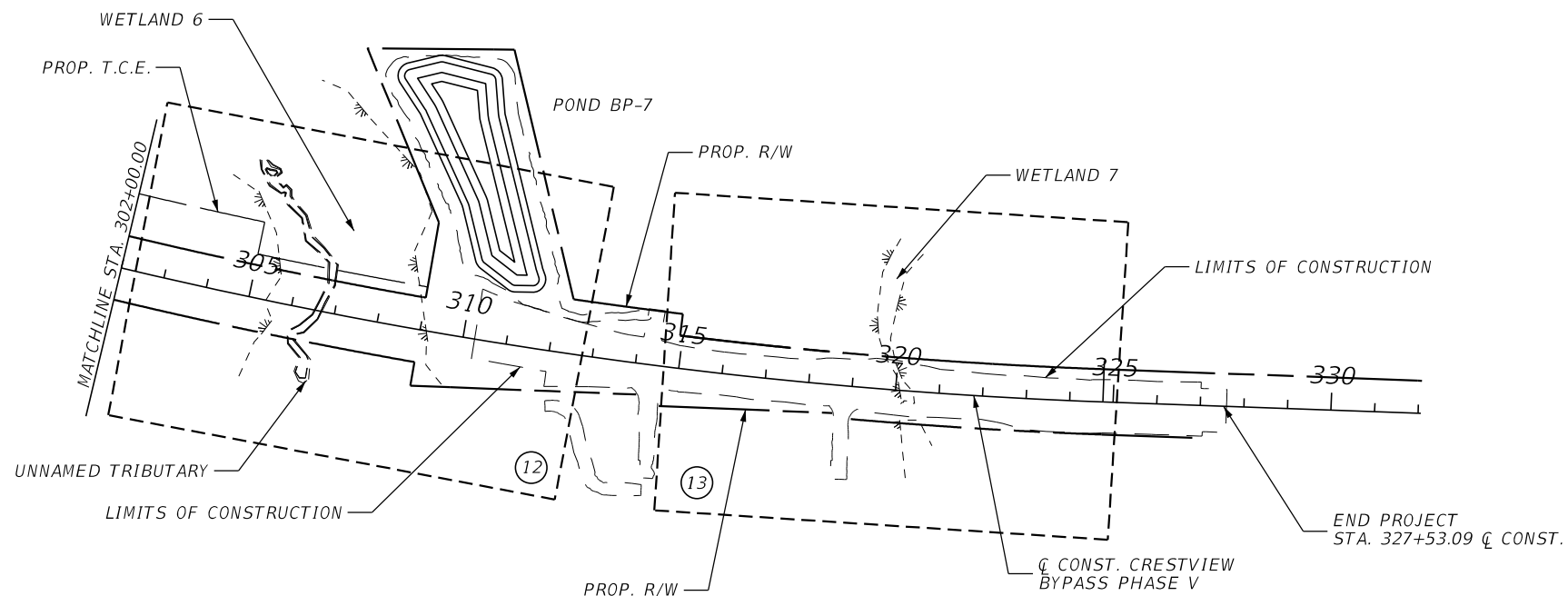


WHP/NE

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PW/



LEGEND

---WETLAND LINE

(XX) SHEET NUMBER

REVISIONS				Michael B. Collins, P.E. P.E. LICENSE NUMBER 68603 HDR Engineering, Inc. 25 West Cedar Street, Suite 200 Pensacola, FL 32502-5945 CERTIFICATE OF AUTHORIZATION 4213	 OKALOOSA COUNTY	PROJECT LAYOUT CRESTVIEW BYPASS PHASE V	SHEET NO. 5
DATE	DESCRIPTION	DATE	DESCRIPTION				
	NOT FOR CONSTRUCTION FOR PERMITTING PURPOSES ONLY						

1" = 100'

WETLAND 1
SECONDARY IMPACTS
= 0.259 ACRES

WETLAND 1
FILL IMPACTS
= 0.058 ACRES

WETLAND 2
(NO IMPACTS)

WETLAND LINE

PROP. R/W

LIMITS OF CONSTRUCTION

A

RIP-RAP PAD

CONST. 276 LF OF 24" CMP

220

225

CONST. CRESTVIEW
BYPASS PHASE V

LEGEND



FILL WETLAND IMPACTS



CUT WETLAND IMPACTS



SECONDARY IMPACTS

PROP. R/W

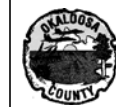
LIMITS OF CONSTRUCTION

A

REVISIONS

DATE	DESCRIPTION	DATE	DESCRIPTION
	NOT FOR CONSTRUCTION FOR PERMITTING PURPOSES ONLY		

Michael B. Collins, P.E.
P.E. LICENSE NUMBER 68603
HDR Engineering, Inc.
25 West Cedar Street, Suite 200
Pensacola, FL 32502-5945
CERTIFICATE OF AUTHORIZATION 4213



OKALOOSA COUNTY

WETLAND IMPACTS
CRESTVIEW BYPASS PHASE V

SHEET
NO.
6

MHO:RNE

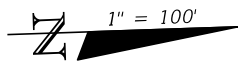
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REVISIONS				 OKALOOSA COUNTY	WETLAND 1 CROSS SECTION CRESTVIEW BYPASS PHASE V	SHEET NO.
DATE	DESCRIPTION	DATE	DESCRIPTION			7
	NOT FOR CONSTRUCTION FOR PERMITTING PURPOSES ONLY					



LEGEND



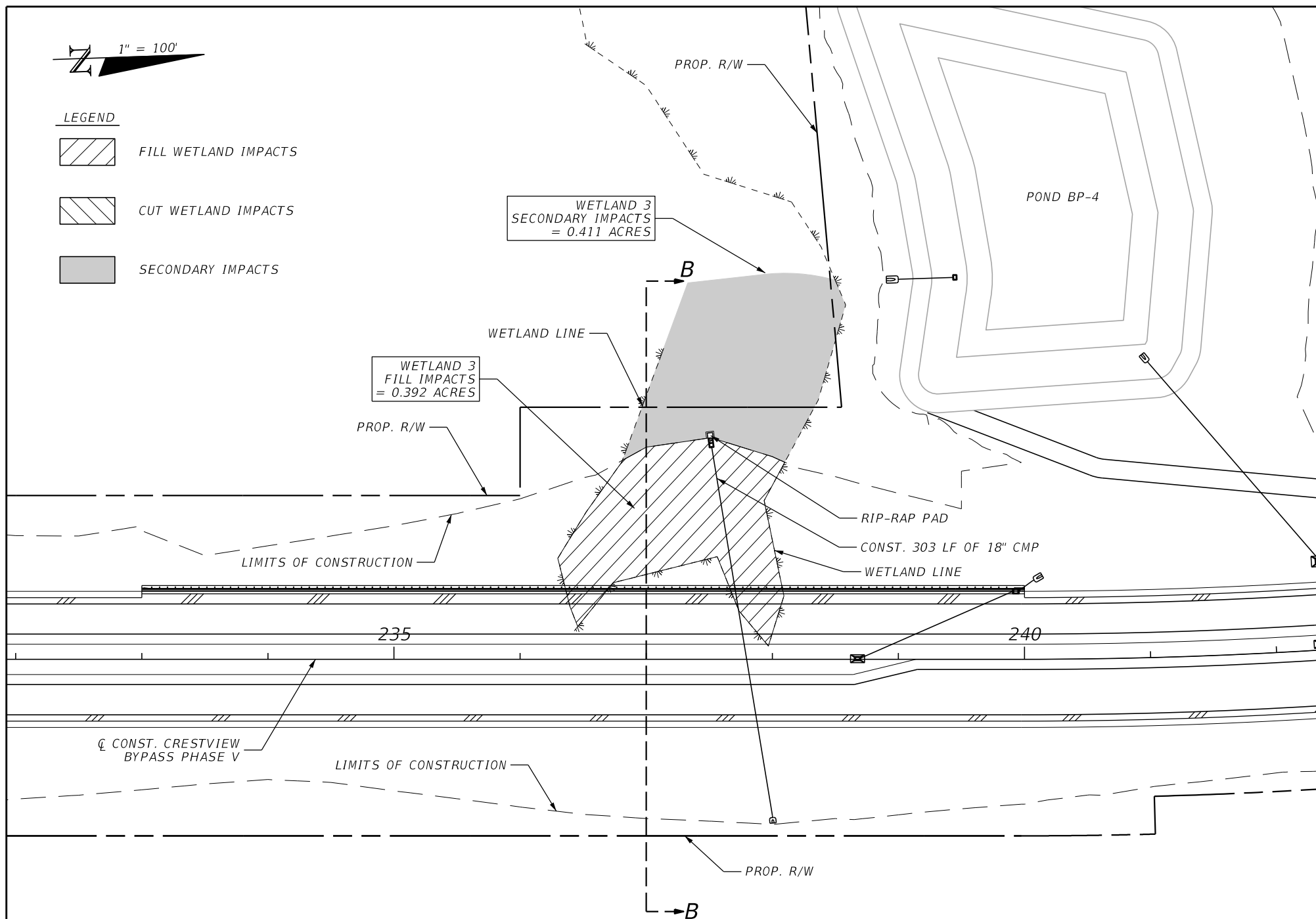
FILL WETLAND IMPACTS



CUT WETLAND IMPACTS



SECONDARY IMPACTS



REVISIONS				Michael B. Collins, P.E. P.E. LICENSE NUMBER 68603 HDR Engineering, Inc. 25 West Cedar Street, Suite 200 Pensacola, FL 32502-5945 CERTIFICATE OF AUTHORIZATION 4213	 OKALOOSA COUNTY	WETLAND IMPACTS CRESTVIEW BYPASS PHASE V	SHEET NO. 8
DATE	DESCRIPTION	DATE	DESCRIPTION				
	NOT FOR CONSTRUCTION FOR PERMITTING PURPOSES ONLY						

MHO:RNE

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LEGEND



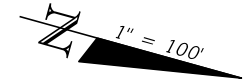
FILL WETLAND IMPACTS



CUT WETLAND IMPACTS



SECONDARY IMPACTS



LIMITS OF CONSTRUCTION

PROP. R/W

PROP. CULVERT

260

265

CONST. CRESTVIEW
BYPASS PHASE V

LIMITS OF CONSTRUCTION

POND BP-5

WETLAND 4
(NO IMPACTS)

PROP. R/W

REVISIONS

DATE	DESCRIPTION	DATE	DESCRIPTION
	NOT FOR CONSTRUCTION FOR PERMITTING PURPOSES ONLY		

Michael B. Collins, P.E.
P.E. LICENSE NUMBER 68603
HDR Engineering, Inc.
25 West Cedar Street, Suite 200
Pensacola, FL 32502-5945
CERTIFICATE OF AUTHORIZATION 4213



OKALOOSA COUNTY

WETLAND IMPACTS
CRESTVIEW BYPASS PHASE V

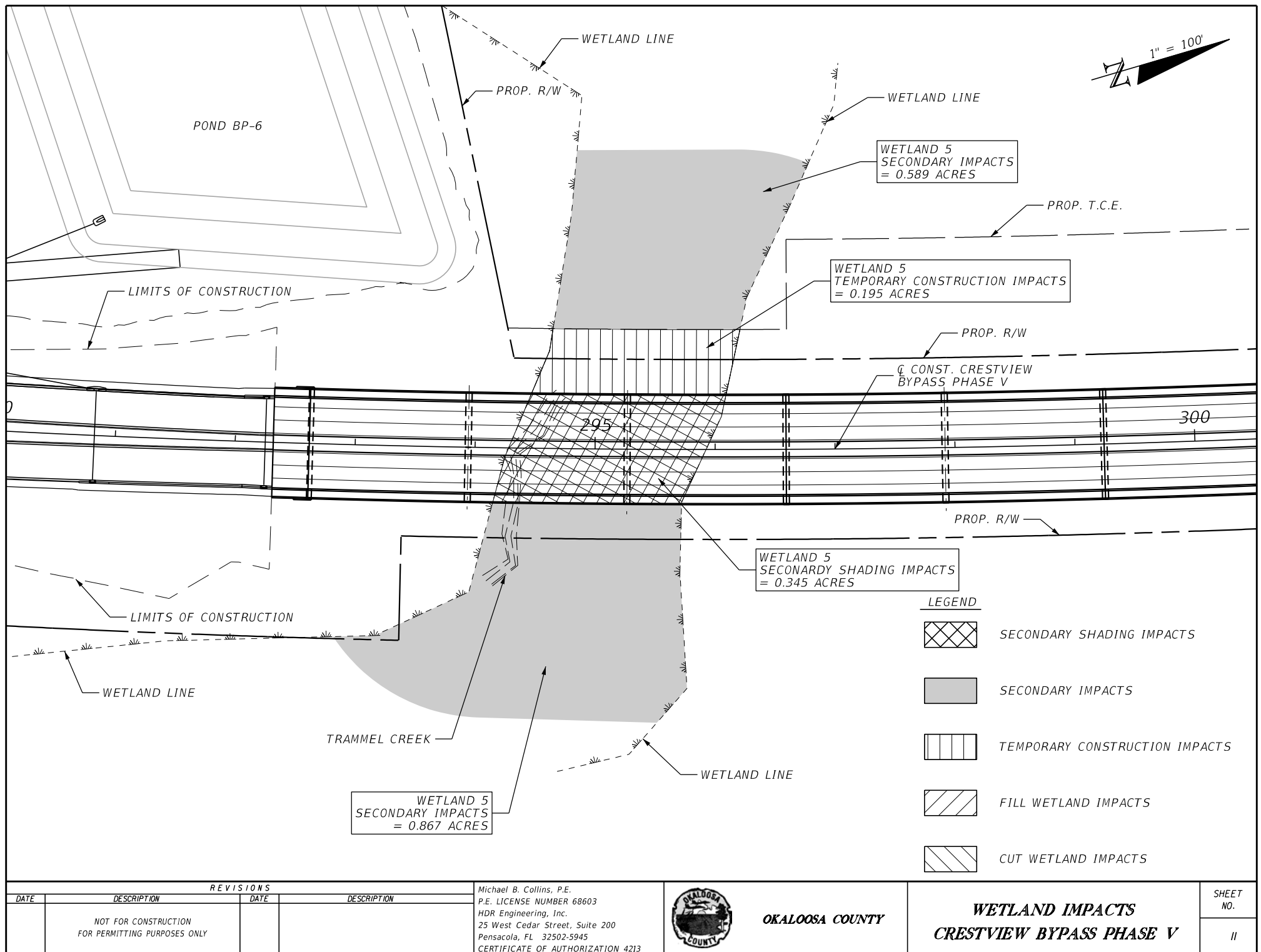
SHEET
NO.
10

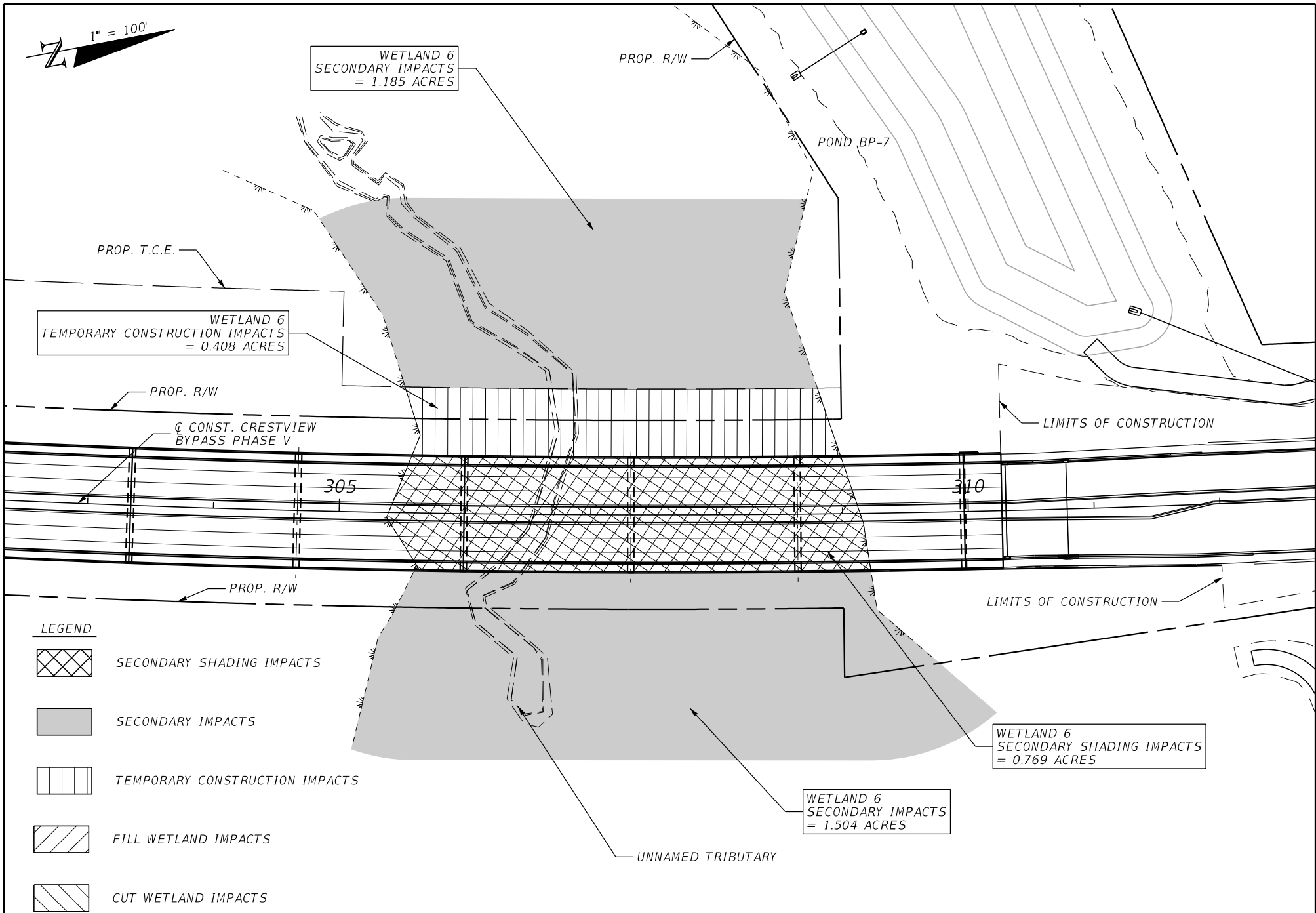
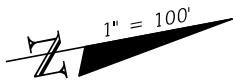
MHOPIE

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LEGEND

-  SECONDARY SHADING IMPACTS
-  SECONDARY IMPACTS
-  TEMPORARY CONSTRUCTION IMPACTS
-  FILL WETLAND IMPACTS
-  CUT WETLAND IMPACTS

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION
	NOT FOR CONSTRUCTION FOR PERMITTING PURPOSES ONLY		

Michael B. Collins, P.E.
P.E. LICENSE NUMBER 68603
HDR Engineering, Inc.
25 West Cedar Street, Suite 200
Pensacola, FL 32502-5945
CERTIFICATE OF AUTHORIZATION 4213

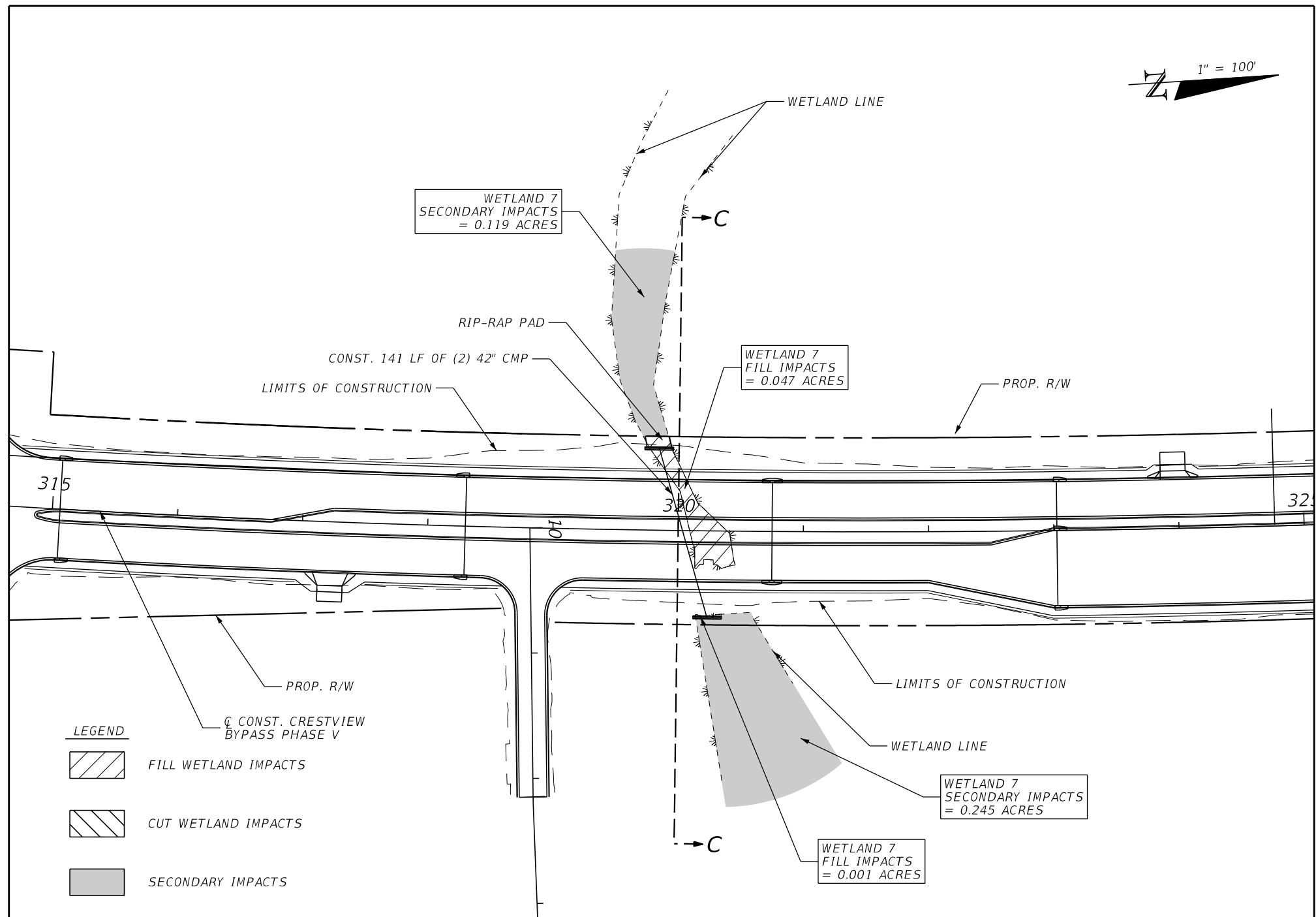
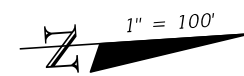


OKALOOSA COUNTY

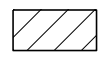
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WETLAND IMPACTS
CRESTVIEW BYPASS PHASE V

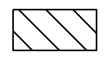
SHEET NO.
12



LEGEND



FILL WETLAND IMPACTS



CUT WETLAND IMPACTS



SECONDARY IMPACTS

REVISIONS				Michael B. Collins, P.E. P.E. LICENSE NUMBER 68603 HDR Engineering, Inc. 25 West Cedar Street, Suite 200 Pensacola, FL 32502-5945 CERTIFICATE OF AUTHORIZATION 4213	 OKALOOSA COUNTY	WETLAND IMPACTS CRESTVIEW BYPASS PHASE V	SHEET NO.
DATE	DESCRIPTION	DATE	DESCRIPTION				
	NOT FOR CONSTRUCTION FOR PERMITTING PURPOSES ONLY						13

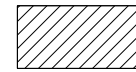
MHORNE

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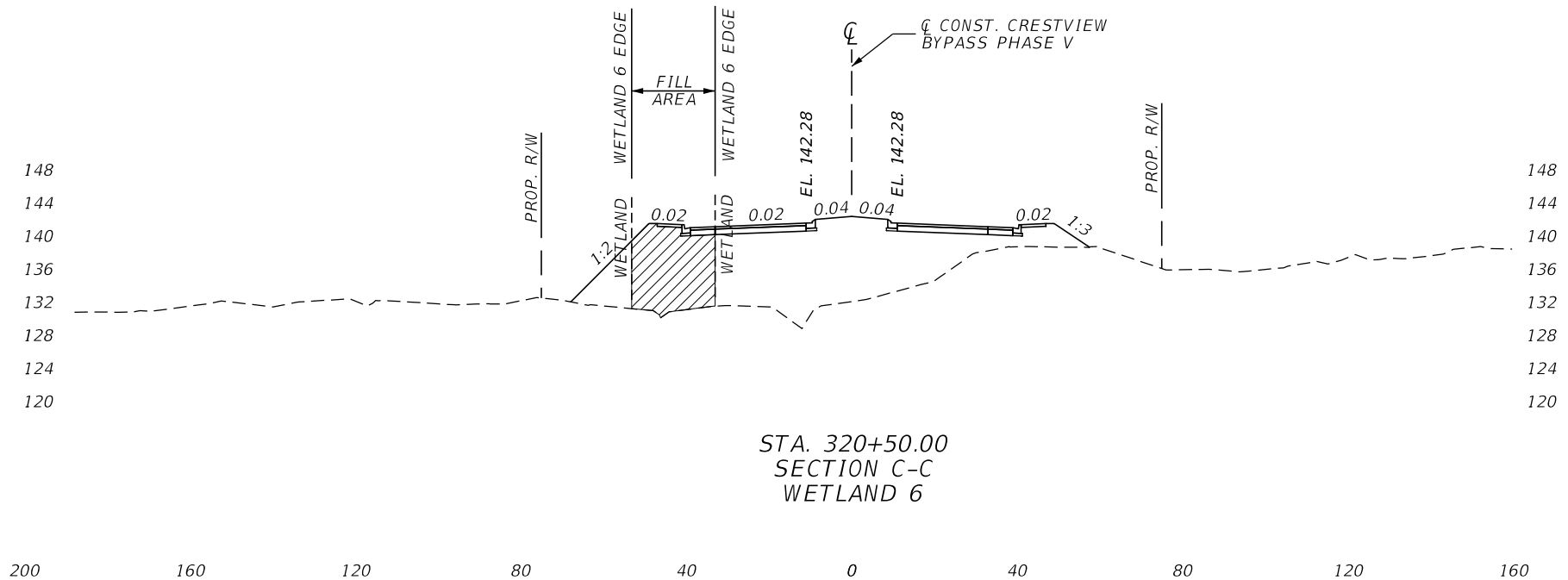
LEGEND:



FILL WETLAND IMPACTS



CUT WETLAND IMPACTS



SCALE:
1" = 40' HORIZONTAL
1" = 20' VERTICAL

REVISIONS				Michael B. Collins, P.E. P.E. LICENSE NUMBER 68603 HDR Engineering, Inc. 25 West Cedar Street, Suite 200 Pensacola, FL 32502-5945 CERTIFICATE OF AUTHORIZATION 4213	 OKALOOSA COUNTY	WETLAND 6 CROSS SECTION CRESTVIEW BYPASS PHASE V	SHEET NO. 14
DATE	DESCRIPTION	DATE	DESCRIPTION				
	NOT FOR CONSTRUCTION FOR PERMITTING PURPOSES ONLY						

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12/19/2019

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CRESTVIEW BYPASS PHASE V WETLAND QUANTITIES

WETLAND NUMBER	WETLAND FILL IMPACTS (ACRES)	WETLAND FILL IMPACTS (CY)	WETLAND CUT IMPACTS (ACRES)	WETLAND CUT IMPACTS (CY)	WETLAND SECONDARY SHADING IMPACTS (ACRES)	WETLAND TEMPORARY CONSTRUCTION IMPACTS (ACRES)	WETLAND SECONDARY IMPACTS (ACRES)
1	0.058	1885	0.000	0	0.000	0.000	0.259
2	0.000	0	0.000	0	0.000	0.000	0.000
3	0.392	18831	0.000	0	0.000	0.000	0.411
4	0.000	0	0.000	0	0.000	0.000	0.000
5	0.000	0	0.000	0	0.345	0.195	1.456
6	0.000	0	0.000	0	0.769	0.408	2.689
7	0.047	357	0.000	0	0.000	0.000	0.364
TOTALS	0.497	21073	0.000	0	1.114	0.603	5.179

REVISIONS

DATE	DESCRIPTION	DATE	DESCRIPTION
	NOT FOR CONSTRUCTION FOR PERMITTING PURPOSES ONLY		

Michael B. Collins, P.E.
P.E. LICENSE NUMBER 68603
HDR Engineering, Inc.
25 West Cedar Street, Suite 200
Pensacola, FL 32502-5945
CERTIFICATE OF AUTHORIZATION 4213



OKALOOSA COUNTY

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12/19/2019

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PW:\

**IMPACT QUANTITIES
CRESTVIEW BYPASS PHASE V**

SHEET
NO.

15



Brett J. Cyphers
Executive Director

Northwest Florida Water Management District

81 Water Management Drive, Havana, Florida 32333-4712
(U.S. Highway 90, 10 miles west of Tallahassee)

Phone: (850) 539-5999 • Fax: (850) 539-2777

July 2, 2021

Jason T. Autrey, P.E.
Director of Public Works
Okaloosa County
1759 S. Ferdon Blvd.
Crestview, FL 32536

Re: Wetland Mitigation for Southwest Bypass (Phase V) and East-West Connector

Dear Mr. Autrey:

This letter confirms the Northwest Florida Water Management District (District) is prepared to reserve, for the benefit of Okaloosa County, mitigation credits from the District's Sand Hill Lakes Mitigation Bank (SHLMB) sufficient to offset wetland impacts associated with construction of the Crestview SW Bypass (Phase V) and East-West Connector.

The precise number of credits to be provided will be finalized once State 404 permits are issued. The associated ERP permits have already been issued by the District. The cost of the credits will be determined in accordance with section 373.4137, Florida Statutes. A one-page "Credit Reservation and Purchase Agreement" between Okaloosa County and the District that specifies the exact number and cost of credits will need to be executed once all permits have been issued. Upon receipt of the purchase price, the District will immediately request that the Florida Department of Environmental Protection and U.S. Army Corps of Engineers debit the specified credits from state and federal ledgers.

The ERP permits issued for the SW Bypass (Phase V) and East-West Connector require a minimum of 5.89 state UMAM Freshwater Mixed Hardwoods credits from the SHLMB (see ERP IND-091-292252-2, Condition 27 and ERP IND-091-292254-2, Condition 29). It is anticipated that State 404 permits will require a similar number of federal credits.

Ample state and federal credits at the SHLMB are available for immediate use. The current balance is 43.67 state UMAM Freshwater Mixed Hardwoods and 92.52 federal WRAP Palustrine Forested credits. The USACE allows WRAP credits at the SHLMB to be converted to UMAM credits using a conversion factor of 0.9518 WRAP credits per UMAM credit.

Although the District strongly encourages the use of private mitigation banks when feasible, it recognizes that FDEP permittees have precluded use of several banks located geographically closer to the impacts.

Please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul J. Thorpe", is written over a horizontal line.

Paul J. Thorpe
Deputy Director, Resource Management Division

cc: Josey Walker, HDR
Erica Brookman, FDOT

GEORGE ROBERTS
Chair
Panama City

JERRY PATE
Vice Chair
Pensacola

JOHN W. ALTER
Malone

GUS ANDREWS
DeFuniak Springs

TED EVERETT
Chipley

NICK PATRONIS
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KELLIE RALSTON
Tallahassee

ANNA UPTON
Tallahassee