



Lyle Seigler
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

June 5, 2023

Shannon White
U.S. Army Corps of Engineers
Regulatory Division – Jacksonville District
701 San Marco Blvd.
Jacksonville, FL 32207

RE: Sale of 0.02 Federal Mitigation Credits (Palustrine Emergent) from NFWFMD ILF Program, Tate's Hell (Pine Log Creek Unit) Mitigation Area, (SAJ-2011-00287-TMF) as Mitigation for US 98 in Franklin County (FDOT FPID 445759-1)

Dear Ms. White:

This letter shall serve to fulfill the Sponsor's (NFWFMD) obligations, described in sections 5.0 and 7.2 of the NFWFMD In-Lieu Fee Program Final Instrument, and in accordance with 33 CFR 332.3(l)(3) and 332.8(p)(1), to notify the U.S. Army Corps of Engineers of the sale of 0.02 federal mitigation credits (palustrine emergent) from the NFWFMD In-Lieu Fee Program, Tate's Hell (Pine Log Creek Unit) Mitigation Area project (SAJ-2011-00287-TMF) to the Florida Department of Transportation (FDOT). In support of this notification, the Florida Department of Environmental Protection (FDEP) State 404 Permit 0426910-001-SFG (issued 4/13/2023), a credit sales letter signed and dated by the Sponsor and permittee are attached, and the following information is provided:

- Impact Project Name: US 98 in Franklin County (FPID 445759-1)
- State 404 Program Permit #: 0426910-001-SFG (Specific Condition #1)
- Impact HUC-8: 03120003 – Lower Ochlockonee
- Impact Latitude/Longitude: 29.952317° North / -84.385307° West
- Impact Acreage: 0.024 Acres Palustrine Emergent Wetland
- Functional Loss: 0.02 UMAM
- Mitigation Site: Tate's Hell (Pine Log Creek Unit) ILF
- Number of Credits: 0.02
- Type of Credits: Palustrine Emergent

The mitigation credits noted above have been paid in full by the Florida Department of Transportation and we have deducted them from the NFWFMD In-Lieu Fee, Tate's Hell (Pine Log Creek Unit) credit ledger. By action of this sale, the Sponsor accepts responsibility for providing the compensatory mitigation required by the permits noted above. If you have any questions regarding this request, please contact me at robert.lide@nwfwater.com.

Sincerely,

Robert F. Lide

Robert F. Lide
Enclosures

GEORGE ROBERTS
Chair
Panama City

JERRY PATE
Vice Chair
Pensacola

NICK PATRONIS
Secretary
Panama City

JOHN W. ALTER
Malone

GUS ANDREWS
DeFuniak Springs

TED EVERETT
Chipley

KELLIE RALSTON
Tallahassee

ANNA UPTON
Tallahassee



FLORIDA DEPARTMENT OF Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

April 13, 2023

Florida Department of Transportation, District 3
c/o Erica Brookman
1074 Highway 90
Chipley, FL 32428
Erica.Brookman@dot.state.fl.us

File No.: 19-0426910-001-SFG, Franklin County
File Name: SR 30 - Ochlockonee Bay Bridge

Dear Ms. Erica Brookman:

On September 27, 2022, 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 perform a resurfacing, rehabilitation, and restoration project along State Road (SR) 30/(US 98) that primarily consists of travel lanes, shoulders, and turnouts from west of SR 377/(US 319) to the Ochlockonee Bay Bridge (Bridge Number 490034) in Franklin County. The resurfacing limits include the three-leg intersection of SR 30 and SR 377. The western portion of the intersection will include a shoulder addition along the east side of the SR 377. Widening to reconstruct the westbound right turn lane at the Ochlockonee Bay Boat Ramp is also included in the design. The project also proposes guardrail replacement, drainage improvements, rip rap placement, and some areas of roadway and shoulder reconstruction. Drainage improvements include the replacement of mitered end sections throughout the project limits and a cross drain replacement on SR 30 near the western project terminus. Impacts to assumed waters include 0.0312 acres of permanent wetland impacts to depression marsh and wet flatwoods and 0.05 acres of temporary impacts {0.004 acres of other surface waters (OSW) impact to canal/ditch and 0.046 acres of wetland impacts to canal/ditch and depression marsh}. The U.S. Army Corps of Engineers has permitted 0.021 acres of permanent wetland impacts and 0.014 acres of temporary impacts to wetlands within this project authorized under file number SAJ-2022-01877(NW-VCB). The project is located along SR 30 from the intersection of SR 30 and SR 377 to Ochlockonee Bay, a Class III Florida Waterbody. Mitigation will be required to offset the functional loss associated with permanent impacts to 0.024 acres of depression marsh. Functional loss was evaluated using the Uniform Mitigation Assessment Method (UMAM). To offset a functional loss of 0.02 UMAM units, purchase of 0.02 UMAM palustrine emergent mitigation credits from the Northwest Florida Water Management District Tate's Hell (Pine Log Creek Unit) In-Lieu Fee Program (SAJ-2011-00287) will be required as conditioned below. The activities authorized by this permit are located along SR 30 from the intersection of SR 30 and SR 377 to Ochlockonee Bay in St. Teresa, Florida, 32358, in Section 34, 35, 36, Township 6S, Range 3W; Section 13, 24, 25, 26, 27, 28, 29, 30, 31, Township 6S, Range 2W, Franklin County from Latitude 29°54'57.8"N, Longitude 84°31'22.7"W to Latitude 29°57'40.3"N, Longitude 84°23'04.6"W.

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 –PRIOR TO CONSTRUCTION

1. Prior to the start of construction, the Permittee shall provide the Department proof of purchase of 0.02 UMAM palustrine emergent mitigation credits from Northwest Florida Water Management District Tates Hell (Pine Log Creek Unit) In-Lieu Fee Program (SAJ-2011-00287) under the name of Florida Department of Transportation, with reference to FDEP State 404 permit number 0426910-001-SFG. The Permittee shall provide proof of credit deduction from the federal mitigation bank ledger prior to construction commencement.
2. Prior to any construction or impacts authorized by this permit, the Permittee shall provide documentation of the permittee's real property interest over the land upon which the activities subject authorized by this permit will be conducted. The required submittal shall be provided to the Department in a digital format (via electronic mail, CD or DVD, or through file transfer site) when practicable. Interests in real property are defined in Section 4.2.3(d) of Applicant's Handbook Volume I.
3. The reporting address for any submittals required herein for compliance or as a requirement of the General Permit shall be submitted to the Department. Submittals shall be made electronically (via e-mail, CD or DVD, or through a file transfer site) when practicable and shall include the permittee's name and permit number 19-0426910-001-SFG. Email submittals shall be sent to 404_DOT@FloridaDEP.gov with a subject line of "Compliance: permit number 19-0426910-001-SFG" or by mail to:

Department of Environmental Protection
ATTN: Lindsay Furr (State 404 Program)
2600 Blair Stone Rd MS 2500
Tallahassee, FL 32399

4. Prior to commencement of work authorized by this permit, the permittee shall provide written notification of the date of the commencement and proposed schedule of construction by email to 404_DOT@FloridaDEP.gov or by mail.

5. Prior to construction, the limits of impact shall be clearly marked in a way which is visible and obvious to anyone performing work on-site, including someone operating heavy equipment. Orange construction fencing or tall flagged stakes along the construction limits are possible methods.
6. Prior to initiation of any work authorized by this permit, all wetlands, surface waters, and storm drains, outside the specific limits of construction authorized by this permit shall be protected from erosion, siltation, sedimentation, and/or scouring, including the placement of staked erosion control devices around the project area and staging area(s) that are located outside of any authorized impact areas.
7. 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 are not limited to the use of staked hay bales, staked filter cloth, sodding, seeding, staged construction and the installation of turbidity screens around the immediate project site.

SPECIFIC CONDITIONS – CONSTRUCTION ACTIVITIES

8. The limits of construction shall be delineated by silt fencing. The permittee shall bear the responsibility of notifying all construction workers that silt fencing or turbidity barrier represents the limits of all construction activities. The permittee shall bear the responsibility of keeping all construction workers and equipment out of the adjacent wetlands and surface waters where work has not been permitted for impacts.
9. The permittee shall be responsible for ensuring erosion control devices/procedures are inspected and maintained daily during all phases of construction authorized by this permit until areas disturbed during construction are sufficiently stabilized to prevent erosion, siltation, and turbid discharges.
10. This permit authorizes permanent impacts to the wetland fill area shown in the enclosures and exhibits. No other areas are authorized to be impacted, which includes but is not limited to clearing with the use of heavy equipment, filling, or excavation.
11. The permittee shall report any damage to the Department within 24 hours that occurs to the wetlands not authorized for impacts under this permit. If any damage occurs to wetlands or surface waters because of any construction activities, the permittee shall be required to restore the wetland area by regrading the damaged areas back to the natural preconstruction elevations and planting vegetation of the size, densities, and species that exist in the adjacent areas pursuant to a consent order. The restoration shall be completed within 30 days of completion of the construction and shall be done to the satisfaction of the Department.
12. There shall not be any excess lumber, scrap wood, trash, garbage, etc. within wetlands or waters of the State.
13. Construction equipment shall not be repaired or refueled in wetlands or elsewhere within waters of the State.

14. Any fill material used shall be clean fill and free of vegetative matter, trash, garbage, toxic or hazardous waste or any other materials the Department considers unsuitable.
15. The fill and associated side slopes that will be placed on the property shall be stabilized with sod immediately (within 48 hours) following completion of the placement and compaction of the fill material.

SPECIFIC CONDITION -- LISTED SPECIES

16. The Permittee shall report any injured, sick, or dead federally or state listed species discovered onsite to the Florida Fish and Wildlife Conservation Commission Wildlife Alert number at 888-404-FWCC (3922).
17. 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 permittee 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, Florida Fish and Wildlife Conservation Commission (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 ConservationPlanningServices@MyFWC.com.
18. If new information (e.g., listing of new species, new critical habitat, etc.) shows that the magnitude of impacts to federally listed species has the potential for adverse effects, the U.S. Fish and Wildlife Service (USFWS) will notify the Department. The Department will initiate coordination with the permittee and with the USFWS to determine what adverse impacts are likely and if additional minimization measures, reporting, or monitoring are required in order to be consistent with the Endangered Species Act, as deemed necessary by USFWS.

SPECIFIC CONDITIONS – POST-CONSTRUCTION ACTIVITIES

19. Upon final completion of the project and upon reasonable assurance that the project is no longer a potential turbidity source, the permittee will be responsible for the removal of the temporary best management practices and turbidity control devices. All turbidity control devices shall be disposed of in an upland disposal area.
20. 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.

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 Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Timothy Rach
Program Administrator
Submerged Lands & Environmental Resources Coordination
Division of Water Resource Management

Enclosures:

General Permit for General Permit for Linear Transportation Projects, Ch. 62-331.217, F.A.C.
General Conditions for General Permits, Ch. 62-331.201, F.A.C.
General Conditions for All General Permits, Ch. 62-330.405, F.A.C.
NFWMD Tates Hell (Pine Log Creek Unit) In-Lieu Fee Mitigation Credit Reservation Letter
Project drawings, 145 pages
Certification of Compliance with State 404 Program General Permit, [form 62-331.200\(1\)](#)

CERTIFICATE OF SERVICE

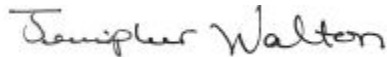
The undersigned duly designated deputy clerk hereby certifies that this document and all attachments were sent on the filing date below to the following listed persons:

Copies furnished to:

Christin Gorman, Environmental and Geotechnical Specialists, Christin.Gorman@egs-us.com
U.S. Environmental Protection Agency, State404FinalPermits-Florida@epa.gov

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

April 13, 2023

Date

General Permit for Linear Transportation Projects –Rule 62-331.217, F.A.C.

(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. Econfinia 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.

Northwest Florida Water Management District
In-Lieu Fee Wetland Mitigation Program

CREDIT RESERVATION, PURCHASE AGREEMENT AND CERTIFICATE

The Northwest Florida Water Management District (NFWFMD), a Florida governmental agency and sponsor of the NFWFMD In-Lieu Fee Mitigation Program, (hereinafter referred to as "Seller"), does hereby reserve and set aside for future assignment for the sole benefit of the Florida Department of Transportation (hereinafter referred to as "Buyer"), a total of 0.02 federal and state Palustrine Emergent UMAM Credits from the Tates Hell (Pine Log Creek Unit) In-Lieu Fee Mitigation Area credit ledgers, issued to Seller's In-Lieu Fee Mitigation Program pursuant to United States Army Corps of Engineers Permit Number SAJ-2011-00287-TMF and provisions contained in 33 CFR, Parts 325 and 332, as revised effective June 9, 2008 (Federal Mitigation Rule).

This reservation is for use of credit in connection with mitigating adverse wetland impacts which may arise as a result of construction or other projects undertaken or to be undertaken by the Buyer for FDOT Financial Project ID (FPID) 445759-1 for US 98 in Franklin County from US 319 east to Ochlockonee Bay Bridge (State 404 Permit 0426910-001-SFG). Seller warrants that it will take no action inconsistent with the reservation and future assignment described herein. However, this agreement does not constitute a permit or permission to proceed with any proposed action. The Buyer is responsible for obtaining all necessary permits for a proposed action.

Upon receipt of the full purchase price, Seller is committed to transfer to Buyer 0.02 federal and state palustrine emergent credits from the Tates Hell (Pine Log Creek Unit) In-Lieu Fee Mitigation Area credit ledgers for use in offsetting wetland impacts. The Purchase Price for the 0.02 federal state palustrine emergent mitigation credits associated with FDOT Project 445759-1, in accordance with the NFWFMD In-Lieu Fee Program Final Instrument and section 373.4137, Florida Statutes, is three thousand forty-one dollars and seventy-one cents (\$3,041.71). Seller will assume full legal responsibility for success of purchased mitigation credits as required by permits noted above and will at the appropriate time request withdrawal of the specified credits from the Tates Hell (Pine Log Creek Unit) In-Lieu Fee Program credit ledgers.

	BUYER	SELLER
Name:	<u>Florida Department of Transportation</u>	<u>Northwest Florida Water Management District</u>
By:	<u></u>	<u></u>
Name and Title:	<u>Erica Brookman, Environmental Permits Coordinator</u>	<u>Lyle Seigler Executive Director</u>
Executed:	<u>5-2-2023</u>	<u>5/2/2023</u>