

13. This permit also constitutes Certification of Compliance with State Water Quality Standards (Section 401, PL 92-500).
14. The permittee shall comply with the following:
 - a. Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.
 - b. The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.
 - c. Records of monitoring information shall include:
 1. the date, exact place, and time of sampling or measurements;
 2. the person responsible for performing the sampling or measurements;
 3. the dates analyses were performed;
 4. the person responsible for performing the analyses;
 5. the analytical techniques or methods used; and
 6. the results of such analyses.
15. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware the relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.

SPECIFIC CONDITIONS:

1. If during the progress of this project prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures or early colonial or American settlement are encountered at any time within the project site area, the permitted project should cease all activities involving subsurface disturbance in the immediate vicinity of such discoveries. The permittee, or other designee, shall contact the Florida Department of State, Division of Historical Resources, Review and Compliance Section at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Project activities should not resume without verbal and/or written authorization from the Division of Historical Resources. In the event that unmarked human remains are encountered during permitted activities, all work shall stop

immediately and the proper authorities notified in accordance with Section Chapter 872.05, Florida Statutes.

2. At least 48 hours prior to commencement of work (impact site or mitigation site) authorized by this permit, the permittee shall notify the Department of Environmental Protection, Submerged Lands & Environmental Resources Program, Compliance and Enforcement Section, 160 Governmental Center, Pensacola, Florida 32502, in writing. The Department telephone number for reporting problems, malfunctions or exceedances under this permit is (850) 595-8300 during normal working hours. Notification shall include:

- a. Notification as described above for the commencement of the initial project phase;
- b. Notification as described above for the onset of future project phases (Phases 2-5), notification for the onset of future phases shall also include the following:
 - i. a description of prior phases still in progress or complete;
 - ii. a drawing or map depicting the general locations of prior phases that are complete, prior phases still in progress, and the phase for which work will newly commence;
 - iii. a statement that phase impacts for the work to newly commence have been mitigated according to this permit and the enclosed mitigation plan.

3. If the enclosed permit drawings/plans conflict with the specific conditions, then the specific conditions shall prevail.

4. This permit does not constitute approval of the stormwater or surface water management system which has been obtained separately. See Department Permit # 03-0212186-003-RG for details of the stormwater permit

5. The structure/work authorized by this permit shall not be placed/conducted on any property, other than that owned by the permittee or authorized in writing by the property owner.

6. All wetland areas or water bodies which are outside the specific limits of construction authorized by this permit must be protected from erosion, siltation, scouring and/or dewatering. Pollution controls shall be installed prior to any clearing, excavation or placement of fill material and shall be maintained in an effective condition at all locations until construction is completed and disturbed areas are stabilized. Staked filter cloth shall be positioned at the edge of the permitted fill slopes where they are adjacent to wetlands in order to prevent turbid run-off and erosion. The permittee shall be responsible for ensuring that pollution control devices/procedures are inspected/maintained daily during all phases of construction authorized by this permit. Once these conditions are met, the pollution control devices shall be removed within 14 days. At no time shall there be any discharge in violation of the water quality standards in Chapter 62-302, Florida Administrative Code.

7. There shall be no storage or stockpiling of tools, equipment or materials (i.e., lubricants, gasoline, lumber, machinery, etc.) within wetlands or elsewhere within waters of the state outside of the

construction limits defined for the particular phase or work area under construction. Petroleum products, pesticides and other contaminants shall be isolated to prevent runoff in the case of a spill.

8. In the event that any contaminant is spilled, even if it is classified as minor, the Shellfish Environmental Assessment Section within the Florida Department of Agriculture and Consumer Services shall be notified immediately at 850-653-8317.

9. Portable toilet facilities shall be provided for all construction activities and their usage encouraged. A contractor competent in repair and service shall maintain these facilities in operating condition. Under no circumstances is waste disposal on-site authorized.

10. Construction debris (cleared vegetation, excess lumber, scrap wood, trash, garbage, etc.) shall be removed from wetlands/waters of the state within 14 days of completion of the work authorized in this permit.

11. Construction equipment shall not be repaired or refueled in wetlands or elsewhere within waters of the State outside of the construction limits defined for the particular phase or work area under construction.

12. Prior to construction, the construction limits shall be clearly flagged or staked by the agent or the contractor. All construction personnel shall be shown the location(s) of all areas outside of the construction limits to prevent encroachment into these areas.

13. Any damage to the wetlands, shoreline or littoral zone outside of the specific limits of construction shall be reported to the Department and restored as coordinated by the Department.

14. Prior to the initiation of any work authorized adjacent to or within open waters, floating turbidity screens with weighted skirts that extend to within 1 ft. of the bottom shall be placed where appropriate, and maintained to ensure that turbidity levels do not exceed ambient levels. The permittee shall be responsible for ensuring that turbidity control devices are inspected weekly and maintained in good working order so that there are no violations of state water quality standards.

The following measures shall be taken by the permittee if turbidity levels within waters of the State, exceed ambient levels:

- a. Immediately cease all work contributing to the water quality violation.
- b. Stabilize all exposed soils contributing to the violation, modify the work procedures that were responsible for the violation, install more turbidity containment devices and/or repair any non-functioning turbidity containment devices.
- c. Notify the Submerged Lands and Environmental Resources Program at the number/address in condition 2 above within 24 hours of the time the violation is first detected.

15. All material used as fill for construction shall be clean sand/shell/gravel/rock material and shall not be contaminated with exotic or nuisance vegetation, garbage, trash, tires, hazardous, toxic waste or

other materials that are not suitable for construction within or adjacent to waters of the State as so determined by the Department.

16. For dewatering activities, water shall be routed to the stormwater management facilities or other temporary onsite holding facilities to prevent offsite discharge. Water shall not be discharged to waters of the State on or off-site without the proper State permit and where State water quality standards would be violated.

17. Culverts shall be installed in roadways as shown on the enclosed drawings, however exact placement in the field can be adjusted to account for site-specific topography/hydrology. Culverts shall not be downsized but may be upgraded to prevent scouring, erosion and/or sedimentation

18. Project Phases 2-5 include specifically defined wetland avoidance and minimization areas that will be managed under an FAA-approved Wildlife Management Plan, with wetland impacts authorized by this permit (including potential direct permanent impacts) without further Department review or approval. Refer to the enclosed Wildlife Management Plan (WMP) (Section 3.4) for specific details on wetlands and wildlife hazard management. The permittee shall submit the following to the Department:

- a. copies of airport Wildlife Hazard Advisory Group (WHAG) meeting minutes or meeting summaries, wildlife hazard monitoring reports, and wildlife hazard action reports;
 - b. notification when a wildlife hazard has developed in any of the wetland avoidance and minimization areas identified in the WMP, what wildlife hazard or wetland management actions are planned or untaken for the area, and if any temporary or permanent wetland impacts have resulted from the management actions;
 - c. copies and notifications specified above shall be addressed to Compliance and Enforcement Section, Submerged Lands and Environmental Resources, 160 Governmental Center, Pensacola, Florida 32502, and shall include the following information:
 - i. the permit number and permittee;
 - ii. a brief description of the wildlife hazard, planned action, or action undertaken (notifications only);
 - iii. a drawing or map depicting the wildlife hazard/action area (notifications only);
 - iv. a copy of this permit condition (Specific Condition 18);
 - v. a copy of Section 3.4 from the WMP;
 - vi. if applicable, a statement that the management action follows the wetland guidelines and criteria in the WMP and is authorized by this permit (notifications only);
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- vii. if applicable, a statement that mitigation for any resulting impact has already been fully addressed according to this permit and the enclosed mitigation plan (notifications only).

Once a permanent direct impact has occurred and a wetland or part thereof is removed, the impact area in question shall no longer be considered a wetland avoidance and minimization area and will no longer be subject to this permit.

19. The permittee shall undertake water and sediment quality monitoring during construction periods and following construction, tied to project construction phases, for the parameters, frequencies, and durations specified in the enclosed Water and Sediment Quality Monitoring Plan. Monitoring will include the stations and parameters addressed during the two years of baseline monitoring conducted by the permittee. In addition, new sampling stations located just downstream of the permitted outfall locations for the stormwater management system will be monitoring for background conditions and during construction for the parameters, frequencies, and durations specified in the monitoring plan. (See **enclosed monitoring plan**).

Mitigation Conditions:

20. The purpose of this permit is to authorize the permittee to dredge and fill certain described lands within the jurisdiction of the Department. A material part of the reasonable assurances the Department is relying upon in issuing this permit is that the permittee will timely and completely implement all of the conditions in this permit. The permittee understands that its failure to completely and timely comply with all of the conditions of this permit may result in a revocation or suspension of the permit and the requirement that all work performed be restored.

21. The mitigation to be implemented as part of the reasonable assurances for this project consists of:

- a) restoration of approximately 5,658 acres of wetlands through:
 - i. thinning and removal of planted slash pine
 - ii. planting of longleaf pine
 - iii. prescribed burning
 - iv. hydrologic restoration
 - v. removal and control of exotics
- b) enhancement of approximately 1,641 acres of wetlands through:
 - i. prescribed burning
 - ii. hydrologic enhancement
 - iii. removal and control of exotics
- c) indirect enhancement of approximately 843 acres of tidal wetlands through:
 - i. restoration and enhancement of adjacent wetlands and uplands
 - ii. hydrological enhancement
 - iii. prescribed fire

- d) restoration of roughly 48,000 linear feet of streams and flowing wetlands through:
 - i. installation of numerous low water crossings
 - ii. ditch filling and installation of ditch blocks
 - iii. road removal
 - iv. re-routing water from man-made to historic natural flow ways
 - v. stream bed, bank, and floodplain restoration
 - vi. riparian and floodplain restoration and enhancement
 - vii. restoration and enhancement of wetlands and uplands (as described above and below) adjacent to and within the watershed of streams and flowing wetlands
- e) direct and indirect enhancement of roughly 105,000 linear feet of stream and flowing wetlands through:
 - i. installation of numerous low water crossings
 - ii. riparian and floodplain vegetation enhancement
 - iii. restoration and enhancement of wetlands and uplands (as described above and below) adjacent to and within the watershed of streams and flowing wetlands
- d) restoration of approximately 1,143 acres of uplands through:
 - i. thinning and removal of planted slash and sand pine
 - ii. planting of longleaf pine
 - iii. prescribed burning
 - iv. removal and control of exotics
- f) preserving all wetlands, surface waters, and uplands in the mitigation area in a Conservation Easement to the state.

The location, implementation schedule (phasing), and methods of restoration and enhancement actions are detailed in the enclosed Mitigation Plan.

22. Mitigation shall be implemented in accordance with the Mitigation Plan, which is enclosed and made part of this permit. Should the Mitigation Plan differ from the specific conditions, the Mitigation Plan shall prevail.

23. In order to ensure that mitigation occurs in accordance with the requirements of this permit, a qualified mitigation supervisor shall oversee all aspects of the mitigation site implementation, management, monitoring and corrective actions required in this permit. The permittee must ensure that:

- a. The mitigation supervisor is on site during mitigation implementation activities.

- b. The mitigation supervisor has the requisite experience to oversee the mitigation, including experience in wetlands ecology and science and detailed familiarity, knowledge, and experience with the mitigation area and the enclosed mitigation plan.

24. The enhancement and restoration areas shall be managed to ensure that they are trending towards achieving the success criteria stated in condition 27. Management of the mitigation areas will be based upon the results of monitoring events that are described in condition 25. Management may include but is not limited to the long-term use of prescribed fire as described in the Mitigation Plan, the control of nuisance or exotic species, planting of native species, maintenance of hydrologic restoration features, and earthwork.

25. Monitoring shall take place on an annual basis as described below to determine each site's progress toward achieving the success criteria.

- a. Mitigation monitoring will occur as described in the Mitigation Plan.
- b. Baseline quantitative monitoring shall take place in Fall 2005.
- c. The permittee shall monitor and take photographs until the areas are deemed successful.
- d. Data collected during monitoring events shall be submitted to the Department, as described in condition 26.

26. Annual Progress and Mitigation Success Reports shall be submitted to provide a qualitative and quantitative depiction of the conditions throughout the mitigation site.

- a. Reports shall be submitted annually within 90 days of data acquisition until a determination of success has been made by the Department.
 - b. The Progress Report shall include
 - viii. permit number and permittee;
 - ii. brief description and extent of work completed since the previous report or since permit was issued;
 - iii. copies of the Mitigation Plan drawings or maps showing those areas where work has been completed;
 - iv. problems encountered and solutions undertaken;
 - v. brief description of the work the permittee anticipates commencing, continuing or completing in the next six months;
 - vi. copies of the Mitigation Plan drawings or maps showing those areas where it is anticipated that work will be done; and
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- vii. mitigation site management undertaken, including type of management and dates each type was undertaken.
- d. The Mitigation Success Report shall include:
- i. dates that the monitoring occurred;
 - ii. mitigation monitoring results;
 - iii. photographs of the restoration areas taken from the same permanent stations; and
 - iv. discussion of results and recommendations.

27. Mitigation shall be deemed successful when the mitigation area has met or is clearly trending towards the Performance Standards described in the Mitigation Plan (Section 8), according to the proposed community types, community components, and/or type of mitigation proposed (but in no event earlier than five years after mitigation implementation).

28. The overall mitigation shall be determined to be successful when the requirements of specific condition no.s 21-26 of this permit have been met. The procedures for requesting a success determination and guidelines for the Department's response are provided herein.

- a. The permittee may notify the Department whenever they believe the mitigation is successful, but in no event earlier than five years after the mitigation is implemented. This notice shall be sent by certified mail addressed to Compliance and Enforcement Section, Submerged Lands and Environmental Resources, 160 Governmental Center, Pensacola, Florida 32502.
 - b. The notice shall include a copy of the most recent Annual Progress and Mitigation Success Report and a narrative describing how the reported data support the contention that performance standards have been met. The permittee shall afford Department personnel the opportunity to schedule and conduct enough on-site inspections of the mitigation site(s) to determine whether the criteria are met. Mitigation sites may be successful at different times.
 - c. Within one hundred twenty (120) days of receipt of this notice, the Department shall notify the permittee by certified mail that the Department determined one of the following:
 - i. That the mitigation has been successfully completed; or
 - ii. That the mitigation is not successful, identifying specifically those elements of the mitigation that do not meet the success criteria; or
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- iii. That the mitigation cannot be determined to be successful at this time, identifying specifically those elements of the mitigation that prevent it from determining whether the mitigation is successful.
 - d. When the Department notifies the permittee that the mitigation is successful, or, if the Department fails to notify the permittee within the time period prescribed by this condition, then the permittee's mitigation obligation under the terms of the permit shall be deemed satisfied for that particular permit area. However, the permittee is still responsible for long-term management of the mitigation area to maintain successful conditions.
29. Within six months of permit expiration, if the mitigation sites are not meeting the success criteria (based on site observation or review of monitoring reports), then the permittee shall:
- a. submit an alternative mitigation plan to the Department for review and approval that contains:
 - i. Reasons why a particular mitigation site is not clearly trending towards success and propose actions which will ensure success.
 - ii. A proposed schedule for implementation and completion of all of the provisions of the alternative mitigation plan. Upon approval, the permittee shall implement the contingency plan pursuant to the approved schedule.
 - b. submit a \$500 mitigation fee, pursuant to paragraph 62-312.320(3), F.A.C.

The permittee shall implement the approved plan within 60 days of Department approval of the alternative mitigation plan. The approved plan shall be made a part of this permit.

30. The permittee has placed in a Conservation Easement (easement) with the state, the areas specified in condition 21 (excepting any state-owned tidal wetlands). The executed easement is enclosed and made part of this permit. The permittee is responsible for protecting and maintaining the property as set forth in the easement.

31. Within one year of permit issuance, the boundary of the conservation easement shall be marked with signs identifying it as an easement for the Department with the permit (03-0212186-004-DF) and phone number of the local office (850-595-8300). These signs shall be maintained for the life of the easement and shall be weather resistant material.

32. If the project for which this permit was obtained will not be accomplished for some reason, then pursuant to the provisions of Section 704.06(4), F.S., the conservation easement shall be released by the grantee. In order to receive the release, the permittee must show that the following conditions have been met:

- a. the permit is no longer required or has expired, and

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- b. none of the authorized work has occurred
- c. The permittee must waive, in writing, all rights under the permit in exchange for the release. The release will be affected as a part of the surrender. The release shall be provided in recordable form.

Executed in Pensacola, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



W. Richard Fancher
District Director,
Northwest District

WRF:lo

Encl: Permit Drawings
Mitigation Plan
Water Quality Monitoring Plan
Wildlife Management Plan
Conservation Easement

cc: U.S. Army Corps of Engineers, Panama City
Glen Teal, Records Administration
William (Bill) C. Lynn, PBS&J
Randy Curtis, Airport Authority
Florida Fish and Wildlife Conservation Commission
Bay County Property Appraiser