

DEPARTMENT OF THE ARMY PERMIT

Permittee: Florida Department of Transportation
District 2
Attn: Mr. Van Humphreys
1109 South Marion Avenue, Mail Station 2005
Lake City, Florida 32025-5874

RECEIVED
FEB 25 2008
JACKSONVILLE DISTRICT
USAGE

Permit No: SAJ-2006-7591 (SP-AWP)

Issuing Office: U.S. Army Engineer District, Jacksonville

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: Dredge and fill impacts to 11.88 acres of jurisdictional waters of the United States. Impacts include the placement of clean fill material into 1.93 acres of waters of the U.S. (wetlands), excavation of 6.27 acres of wetlands, and dredge and fill impacts to 3.68 acres of jurisdictional drainage ditches associated with the widening of Interstate 95 from 4 lanes to 8 lanes between Halsema Road and Lane Avenue. The work described above is to be completed in accordance with the 3 attachments affixed at the end of this permit instrument.

Project Location: The proposed project would impact waters of the United States (including wetlands) associated with McGirts Creek. The project site is approximately 6.5 miles of Interstate 10 (I-10) from 3,200 feet east of Halsema Road to Lane Avenue, in northwest Jacksonville. The project area, including proposed stormwater management facilities, comprises approximately 278 acres of existing I-10 roadway and associated ditches, undeveloped right-of-way (ROW), and residential and undeveloped land for proposed ponds. A portion of Chaffee Road near the I-10 interchange will also be improved as part of this project. The Chaffee Road improvements would begin roughly a half mile south of I-10 and a quarter mile north of I-10. The project is generally located between Cecil Commerce Center,

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PERMITTEE: FDOT-District 2
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which was formerly a portion of the Naval Air Station (NAS) Cecil Field, and downtown Jacksonville in Sections 19, 20, 21, 22, 23, 24, 24 and 30, Township 2 South, Range 24 and 25 East, in Jacksonville, Duval County, Florida.

Directions to site: From downtown Jacksonville proceed to the I-10 and Interstate 95 interchange and proceed west on I-10 until reaching the project location.

Latitude & Longitude: Latitude 30.309
Longitude -81.841

Permit Conditions

General Conditions:

1. The time limit for completing the work authorized ends on **February 25, 2013**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature and the mailing address of the new

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PERMITTEE: FDOT-District 2
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owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. All reports, documentation and correspondence required by the conditions of this permit shall be submitted to the following address: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232. The Permittee shall reference this permit number, SAJ-2006-7591(IP-AWP), on all submittals.

2. Within 10 days from the date of initiating the authorized work, the Permittee shall provide to the Corps a written notification of the date of commencement of work authorized by this permit.

3. Prior to the initiation of any work authorized by this permit, the Permittee shall install erosion control measures along the perimeter of all work areas to prevent the displacement of fill material. Immediately after completion of the final grading of the land surface, all slopes, land surfaces, and filled areas adjacent to wetlands shall be stabilized using sod, degradable mats, or a combination of similar stabilizing materials to prevent erosion. The erosion control measures shall remain in place and be maintained until all authorized work has been completed and the site has been stabilized.

4. Within 60 days of completion of the authorized work or at the expiration of the construction window of this permit, whichever occurs first, the Permittee shall submit as-built

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PERMITTEE: FDOT-District 2
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drawings of the authorized work and a completed As-Built Certification Form (Attachment 3) to the Corps. The drawings shall be signed and sealed by a registered professional engineer and include the following:

- a. A plan view drawing of the location of the authorized work footprint (as shown on the permit drawings) with an overlay of the work as constructed in the same scale as the attached permit drawings (8½-inch by 11-inch). The drawing should show all "earth disturbance," including wetland impacts, water management structures, and any on-site mitigation areas.
- b. List any deviations between the work authorized by this permit and the work as constructed. In the event that the completed work deviates, in any manner, from the authorized work, describe on the As-Built Certification Form the deviations between the work authorized by this permit and the work as constructed. Clearly indicate on the as-built drawings any deviations that have been listed. Please note that the depiction and/or description of any deviations on the drawings and/or As-Built Certification Form does not constitute approval of any deviations by the U.S. Army Corps of Engineers.
- c. The Department of the Army Permit number.
- d. Include pre- and post-construction aerial photographs of the project site, if available.
5. The Permittee shall use only clean fill material for this project. The fill material shall be free from items such as trash, debris, automotive parts, asphalt, construction materials, concrete block with exposed reinforcement bars, and soils contaminated with any toxic substance, in toxic amounts in accordance with Section 307 of the Clean Water Act.
6. Within 6 months from the date of initiating the authorized work or 12 months from the effective date of this permit, whichever first occurs, the Permittee continue acquisition and management of environmental sensitive lands identified in the draft 2008 SJRWMD Senate Bill Mitigation Plan # 2132724 defined in Mitigation Project Groups SJ 23 and SJ 50.

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7. In accordance with the Memorandum of Understanding between the St. Johns River Water Management District (SJRWMD) and the United States Army Corps of Engineers, Jacksonville District signed October 16, 2007 and October 9, 2007 respectively, the SJRWMD shall submit an annual status report and five year update of the mitigation described above. The report shall ensure 8.44 functional units will be replaced by the proposed mitigation.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

() Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

() Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal projects.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

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b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action

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where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions: General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

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PERMITTEE: FDOT-District 2

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Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.



(PERMITTEE)

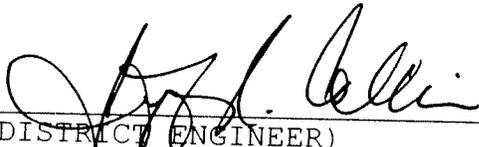
2-19-08

(DATE)

Van Huybruggs

(PERMITTEE NAME-PRINTED)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.



(DISTRICT ENGINEER)
Paul L. Grosskruger
Colonel, U.S. Army
District Commander

2/28/2008

(DATE)

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When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE-SIGNATURE)

(DATE)

(NAME-PRINTED)

(ADDRESS)

(CITY, STATE, AND ZIP CODE)

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***Attachments to Department of the Army
Permit Number SAJ-2006-7591(SP-AWP)***

1. PERMIT DRAWINGS: 9 pages, dated 4/13/07

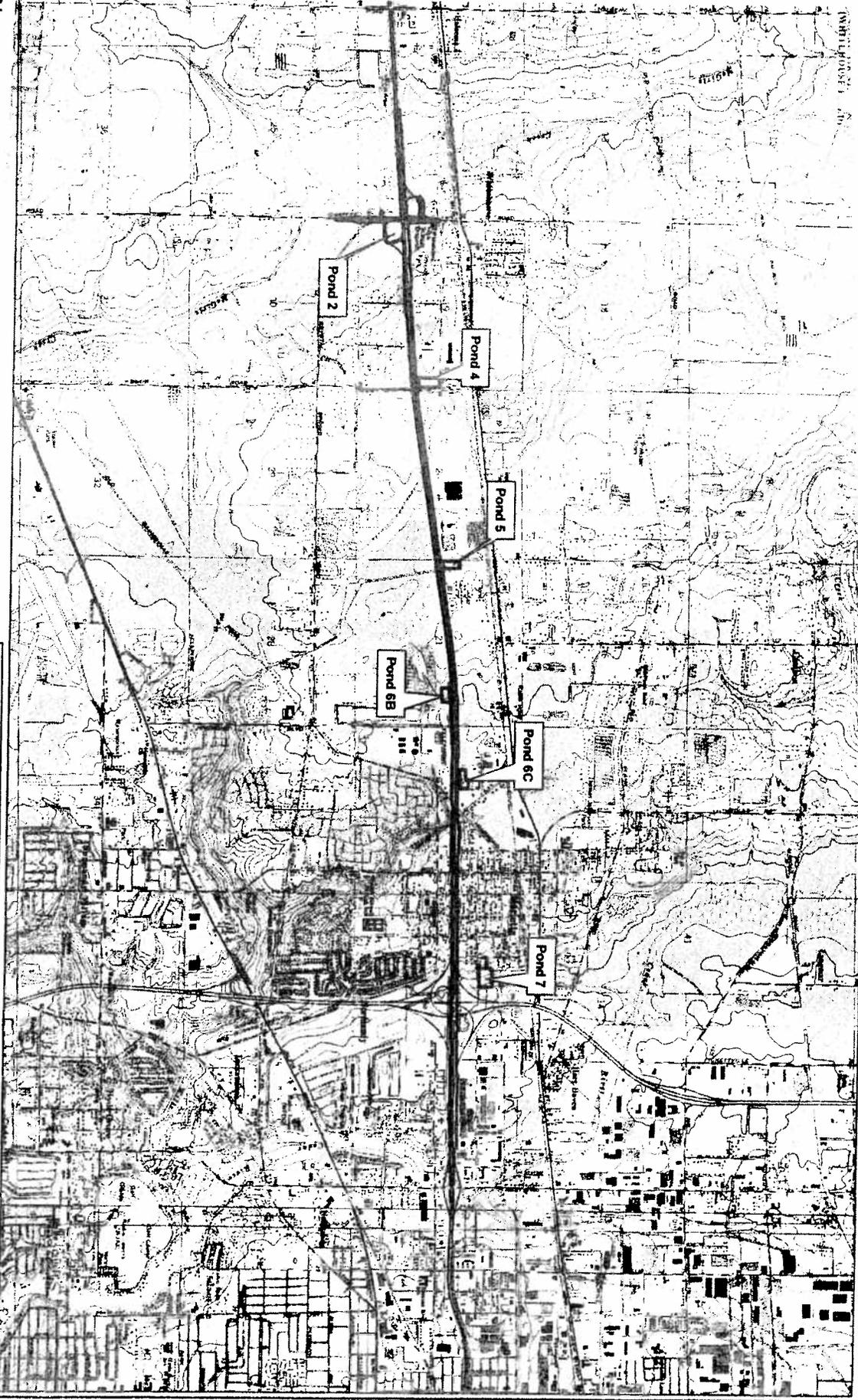
2. WATER QUALITY CERTIFICATION: Specific Conditions of the water quality permit/certification in accordance with General Condition number 5 on page 2 of this DA permit. six (6) pages.

3. As-Build Certification: one (1) page

U.S. Army Corps of Engineers
Permit # 585-2006-7591
Date: FEB 13 2008
Attachment: 1



EERS



NOV 2 0 2008

19, 20, 21, 22, 23, 24, 25
9:28

Western Extent
Lat.: 30° 18' 25.52" N
Long.: 81° 51' 45.82" W

Eastern Extent
Lat.: 30° 19' 7.28" N
Long.: 81° 45' 48.00" W



Environmental
Resource
Solutions Inc.
1077 W. Greenway Hwy.
Suite 200
Maitland, FL 32751

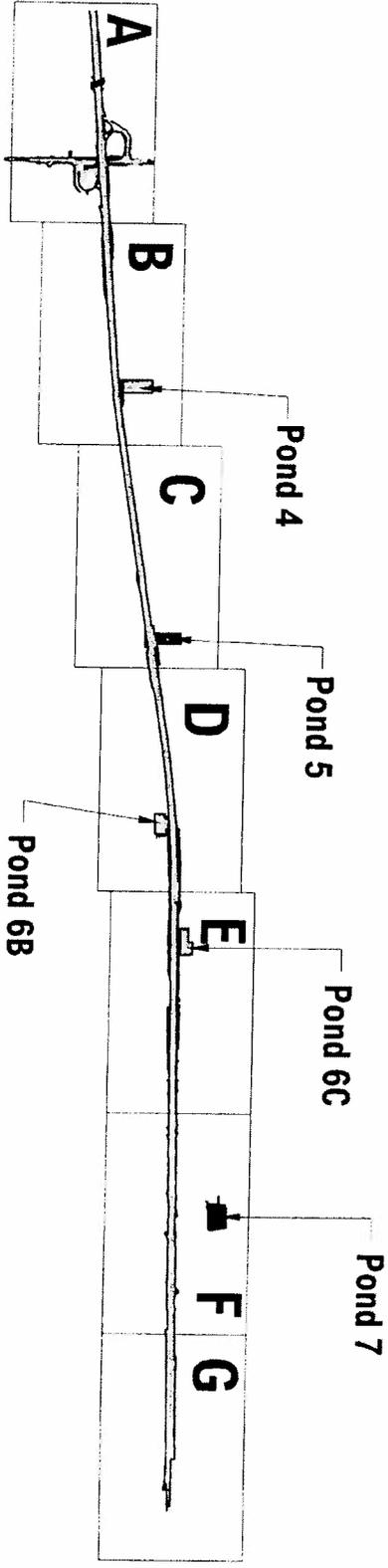
1-10 Widening
(Halsama Rd. to Lane Ave.)
Location Map

Project No.: 04251
Exhibit No.: 1
Date: 02-09-08



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Scale: 1"=4000'



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Solutions Inc.
1807 The Creeks Way
Suite 200
Jacksonville Beach, FL 32260

I-10 (Halsema to Lane) Impact Key Map

Source:
File: wetird01.dwg
File: 04251 COE Impmit 4-13-07

Project No.: 04251
Date: 4-10-07 Rev: 4-13-07
By: KC Exhibit No: 4Key



Environmental
Resource
Solutions Inc.
1807 The Greens Way
Suite 200
Hialeah, Florida 33009

I-10 (Halsema to Lane) Impact Map Sheet A

Source:

File: wetldr01.dwg

File: 04251 COE Impmitl-4-13-07

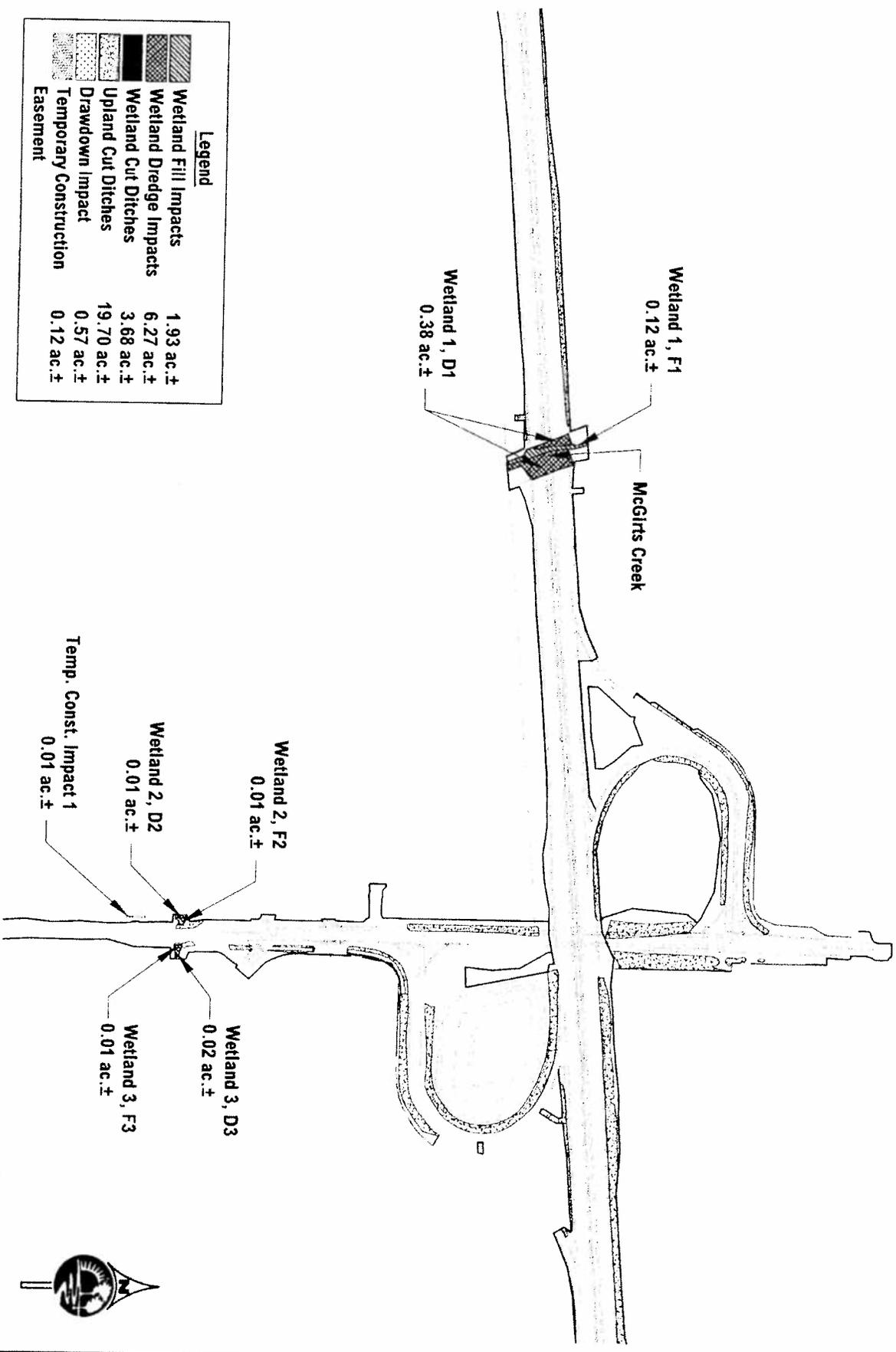
Project No.: 04251

Date: 4-10-07 Rev: 4-13-07

By: KC Exhibit No: 4A

Scale: 1"=500'

Legend		
	Wetland Fill Impacts	1.93 ac.±
	Wetland Dredge Impacts	6.27 ac.±
	Wetland Cut Ditches	3.68 ac.±
	Upland Cut Ditches	19.70 ac.±
	Drawdown Impact	0.57 ac.±
	Temporary Construction Easement	0.12 ac.±

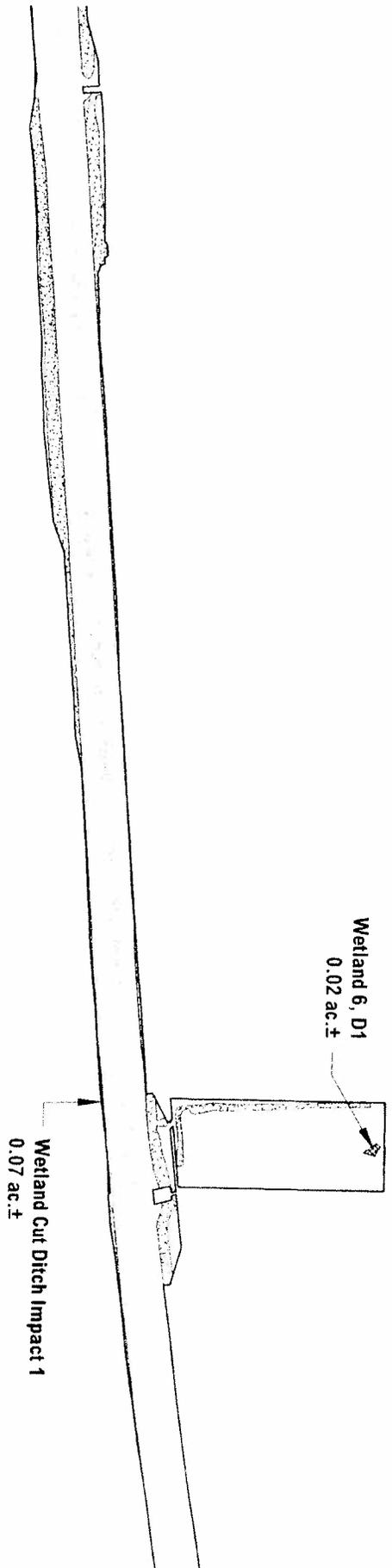




Environmental
Resource
Solutions Inc.
1597 The Greenway
Suite 200
Auburnville, South Carolina, FL 32250

I-10 (Halsema to Lane) Impact Map Sheet B

Legend		
	Wetland Fill Impacts	1.93 ac. ±
	Wetland Dredge Impacts	6.27 ac. ±
	Wetland Cut Ditches	3.68 ac. ±
	Upland Cut Ditches	19.70 ac. ±
	Drawdown Impact	0.57 ac. ±
	Temporary Construction Easement	0.12 ac. ±



Scale: 1"=500'



Source:

File: wetlr01.dwg

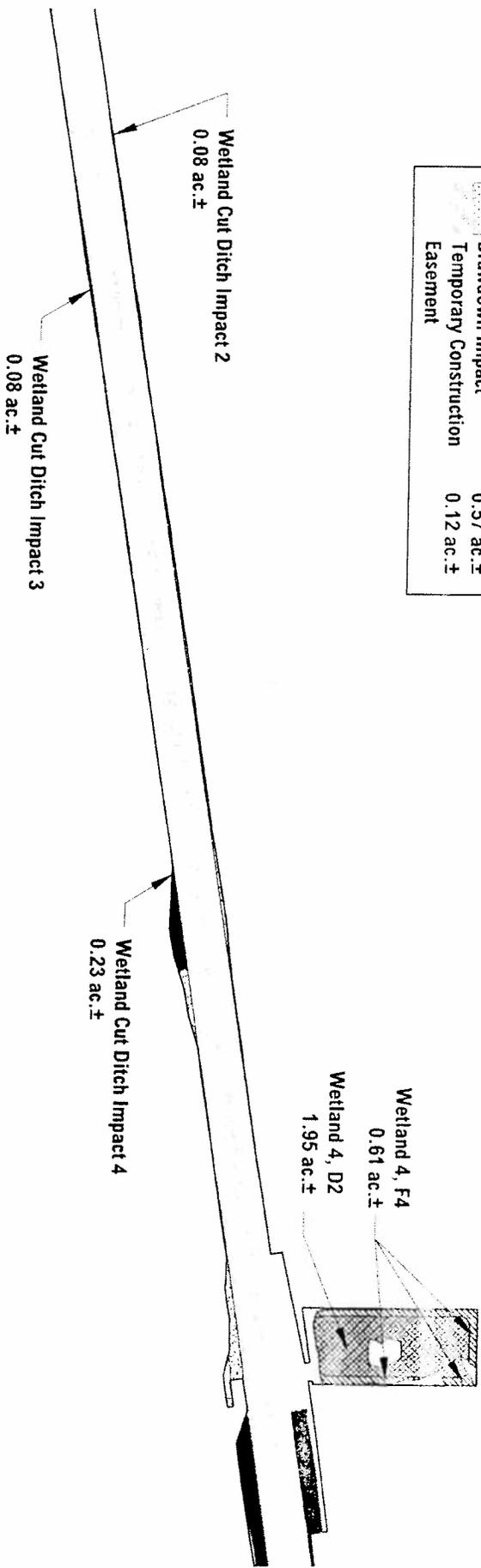
File: 04251 COE Impmit 4-13-07

Project No.: 04251

Date: 4-10-07 Rev: 4-13-07

By: KC Exhibit No: 4B

Legend		
	Wetland Fill Impacts	1.93 ac.±
	Wetland Dredge Impacts	6.27 ac.±
	Wetland Cut Ditches	3.68 ac.±
	Upland Cut Ditches	19.70 ac.±
	Drawdown Impact	0.57 ac.±
	Temporary Construction Easement	0.12 ac.±



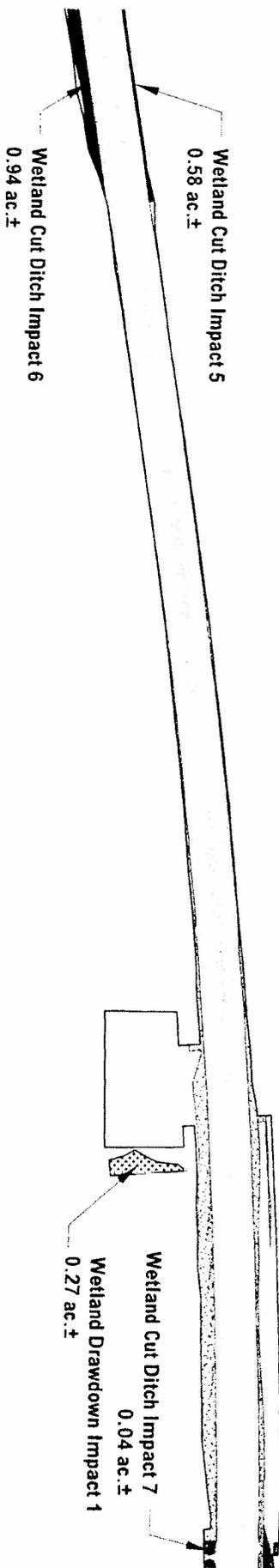
Scale: 1"=500'

Environmental Resource Solutions Inc.
1587 The Green Way
Suite 200
Arlingwood Beach, FL 32250

I-10 (Halsema to Lane) Impact Map Sheet C

Source:	Project No.:
File: wellr01.dwg	04251
File: 04251 COE Impact 4-13-07	Date: 4-10-07
By: KC	Rev: 4-13-07
Exhibit No: 4C	

Legend		
	Wetland Fill Impacts	1.93 ac. ±
	Wetland Dredge Impacts	6.27 ac. ±
	Wetland Cut Ditches	3.68 ac. ±
	Upland Cut Ditches	19.70 ac. ±
	Drawdown Impact	0.57 ac. ±
	Temporary Construction Easement	0.12 ac. ±



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 8002 52 003
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 Suite 200
 Jacksonville Beach, FL 32250

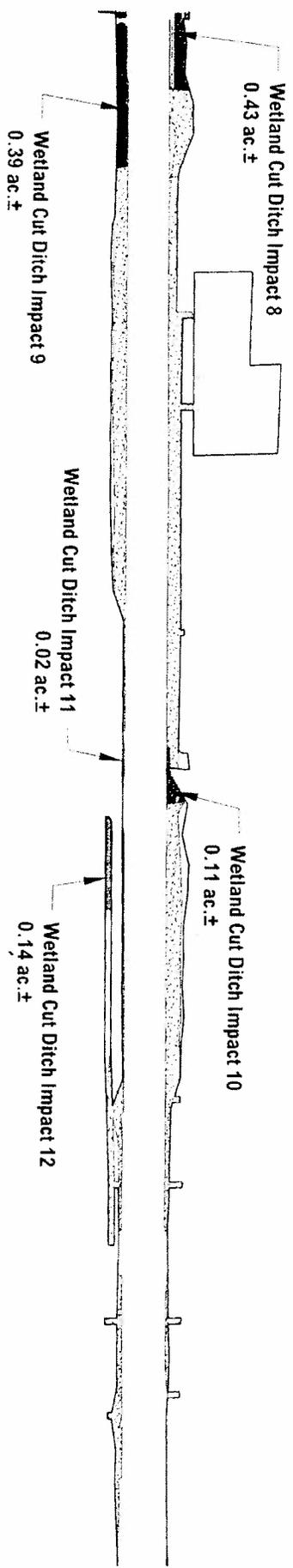
**I-10 (Halsema to Lane)
 Impact Map Sheet D**

Scale: 1"=500'



Source:	Project No.:
File: wetrd01.dwg	04251
File: 04251 COE Impmit 4-13-07	Date: 4-10-07
	Rev: 4-13-07
BY: KC	Exhibit No: 4D

Legend	
	Wetland Fill Impacts
	Wetland Dredge Impacts
	Wetland Cut Ditches
	Upland Cut Ditches
	Drawdown Impact
	Temporary Construction Easement



Scale: 1"=500'



Environmental
Resource
Solutions Inc.
1697 The Greens Way
Suite 200
Methuenville Beach, FL 32250

I-10 (Halsema to Lane) Impact Map Sheet E

Source:
File: wetlrd01.dwg
File: 04251 COE Impmnt 4-13-07

Project No.: 04251
Date: 4-10-07
Rev: 4-13-07
By: KC
Exhibit No.: 4E



Environmental
Resource
Solutions Inc.
1587 The Greenway
Suite 200
Auburnville, Georgia, FL 32206

I-10 (Halsema to Lane) Impact Map Sheet F

Source:

File: wetlr01.dwg

Project No.: 04251

Date: 4-10-07 Rev: 4-13-07

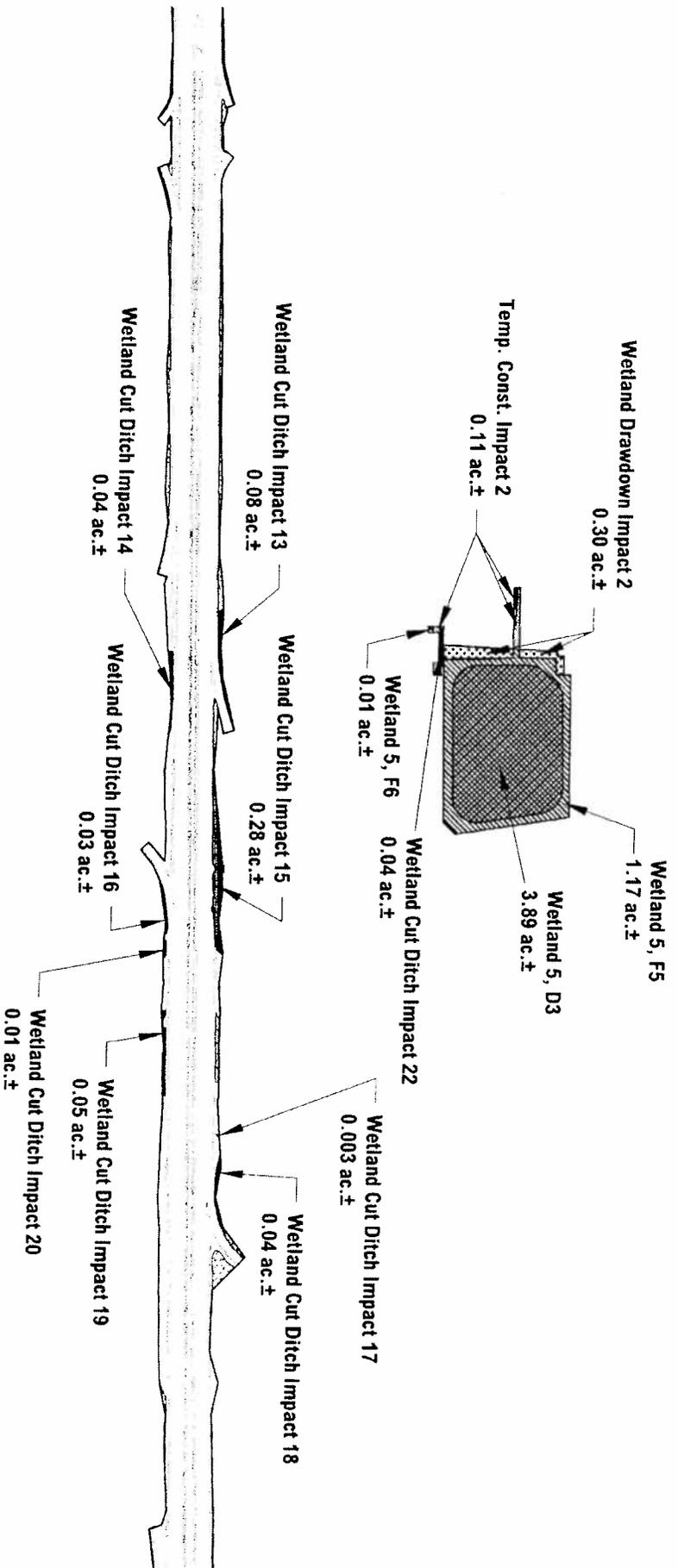
File: 04251 COE Imprint 4-13-07

By: KC Exhibit No: 4F

Scale: 1"=500'



Legend		
	Wetland Fill Impacts	1.93 ac.±
	Wetland Dredge Impacts	6.27 ac.±
	Wetland Cut Ditches	3.68 ac.±
	Upland Cut Ditches	19.70 ac.±
	Drawdown Impact	0.57 ac.±
	Temporary Construction Easement	0.12 ac.±





Environmental
Resource
Solutions Inc.
1897 The Greens Way
Suite 200
Jacksonville Beach, FL 32250

**I-10 (Halsema to Lane)
Impact Map Sheet G**

Source:

File: wetlnd01.dwg

File: 04251 COE Imprint 4-13-07

Project No.: 04251

Date: 4-10-07

Rev: 4-13-07

By: KC

Exhibit No: 4G

Scale: 1"=500'



Legend	
	Wetland Fill Impacts 1.93 ac. ±
	Wetland Dredge Impacts 6.27 ac. ±
	Wetland Cut Ditches 3.68 ac. ±
	Upland Cut Ditches 19.70 ac. ±
	Drawdown Impact 0.57 ac. ±
	Temporary Construction Easement 0.12 ac. ±



ST. JOHNS RIVER WATER MANAGEMENT DISTRICT
Post Office Box 1429
Palatka, Florida 32178-1429

PERMIT NO. 4-031-108629-1

DATE ISSUED: September 11, 2007

PROJECT NAME: SR 8 (I10) Widening from East of Halsema to Lane Ave

A PERMIT AUTHORIZING:

Construction of a surface water management system with stormwater treatment by wet detention for SR 8 (I-10) Widening from Halsema Road to Lane Avenue, a 49.90-acre project.

LOCATION:

Section(s):	19, 20, 21, 22, 23, 24, 25, 30	Township(s):	2S	Range(s):	24E
	19, 20, 21, 22, 23, 24, 25, 30		2S		25E

Duval County

ISSUED TO:

Florida Department of Transportation
1901 S Marion St
Lake City, FL 32025

Permittee agrees to hold and save the St. Johns River Water Management District and its successors harmless from any and all damages, claims, or liabilities which may arise from permit issuance. Said application, including all plans and specifications attached thereto, is by reference made a part hereof.

This permit does not convey to permittee any property rights nor any rights of privileges other than those specified herein, nor relieve the permittee from complying with any law, regulation or requirement affecting the rights of other bodies or agencies. All structures and works installed by permittee hereunder shall remain the property of the permittee.

This permit may be revoked, modified or transferred at any time pursuant to the appropriate provisions of Chapter 373, Florida Statutes:

PERMIT IS CONDITIONED UPON:

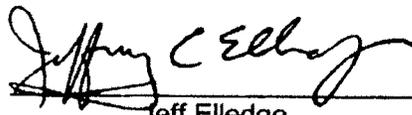
See conditions on attached "Exhibit A", dated September 11, 2007

AUTHORIZED BY: St. Johns River Water Management District

Department of Water Resources

Governing Board

By:



Jeff Elledge
(Director)

By:



Kirby B. Green #11
(Assistant Sec

U.S. Army Corps of Engineers
Permit # 545-2006-7591
Date: FEB 13 2008
Attachment: 2



"EXHIBIT A"
CONDITIONS FOR ISSUANCE OF PERMIT NUMBER 4-031-108629-1
FLORIDA DEPARTMENT OF TRANSPORTATION
DATED SEPTEMBER 11, 2007

1. All activities shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit.
2. This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications, shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by District staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.
3. Activities approved by this permit shall be conducted in a manner which do not cause violations of state water quality standards.
4. Prior to and during construction, the permittee shall implement and maintain all erosion and sediment control measures (best management practices) required to retain sediment on-site and to prevent violations of state water quality standards. All practices must be in accordance with the guidelines and specifications in chapter 6 of the Florida Land Development Manual: A Guide to Sound Land and Water Management (Florida Department of Environmental Regulation 1988), which are incorporated by reference, unless a project specific erosion and sediment control plan is approved as part of the permit, in which case the practices must be in accordance with the plan. If site specific conditions require additional measures during any phase of construction or operation to prevent erosion or control sediment, beyond those specified in the erosion and sediment control plan, the permittee shall implement additional best management practices as necessary, in accordance with the specifications in chapter 6 of the Florida Land Development Manual: A Guide to Sound Land and Water Management (Florida Department of Environmental Regulation 1988). The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.
5. Stabilization measures shall be initiated for erosion and sediment control on disturbed areas as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 7 days after the construction activity in that portion of the site has temporarily or permanently ceased.
6. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the District a Construction Commencement Notice Form No. 40C-4.900(3) indicating the actual start date and the expected completion date.
7. When the duration of construction will exceed one year, the permittee shall submit construction status reports to the District on an annual basis utilizing an Annual Status Report Form No. 40C-4.900(4). These forms shall be submitted during June of each year.
8. For those systems which will be operated or maintained by an entity which will require an easement or deed restriction in order to provide that entity with the authority necessary to operate or maintain the system, such easement or deed restriction, together with any other final operation or maintenance documents as are required by subsections 7.1.1 through 7.1.4 of the Applicant's Handbook: Management and Storage of Surface Waters, must be submitted to the District for approval. Documents meeting the requirements set forth in these subsections of the Applicant's Handbook will be approved. Deed restrictions, easements and other operation and maintenance documents which require recordation either with the Secretary of State or the Clerk of the Circuit Court must be so recorded prior

to lot or unit sales within the project served by the system, or upon completion of construction of the system, whichever occurs first. For those systems which are proposed to be maintained by county or municipal entities, final operation and maintenance documents must be received by the District when maintenance and operation of the system is accepted by the local governmental entity. Failure to submit the appropriate final documents referenced in this paragraph will result in the permittee remaining liable for carrying out maintenance and operation of the permitted system.

9. Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the initiation of the permitted use of site infrastructure located within the area served by the portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of that phase or portion of the system to local government or other responsible entity.
10. Within 30 days after completion of construction of the permitted system, or independent portion of the system, the permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, utilizing As Built Certification Form 40C-1.181(13) or 40C-1.181(14) supplied with this permit. When the completed system differs substantially from the permitted plans, any substantial deviations shall be noted and explained and two copies of as-built drawings submitted to the District. Submittal of the completed from shall serve to notify the District that the system is ready for inspection. The statement of completion and certification shall be based on on-site observation of construction (conducted by the registered professional engineer, or other appropriate individual as authorized by law, or under his or her direct supervision) or review of as-built drawings for the purpose of determining if the work was completed in compliance with approved plans and specifications. As-built drawings shall be the permitted drawings revised to reflect any changes made during construction. Both the original and any revised specifications must be clearly shown. The plans must be clearly labeled as "as-built" or "record" drawing. All surveyed dimensions and elevations shall be certified by a registered surveyor. The following information, at a minimum, shall be verified on the as-built drawings:
 1. Dimensions and elevations of all discharge structures including all weirs, slots, gates, pumps, pipes, and oil and grease skimmers;
 2. Locations, dimensions, and elevations of all filter, exfiltration, or underdrain systems including cleanouts, pipes, connections to control structures, and points of discharge to the receiving waters;
 3. Dimensions, elevations, contours, or cross-sections of all treatment storage areas sufficient to determine state-storage relationships of the storage area and the permanent pool depth and volume below the control elevation for normally wet systems, when appropriate;
 4. Dimensions, elevations, contours, final grades, or cross-sections of the system to determine flow directions and conveyance of runoff to the treatment system;
 5. Dimensions, elevations, contours, final grades, or cross-sections of all conveyance systems utilized to convey off-site runoff around the system;
 6. Existing water elevation(s) and the date determined; and Elevation and location of benchmark(s) for the survey.

11. The operation phase of this permit shall not become effective until the permittee has complied with the requirements of general condition 9 above, the District determines the system to be in compliance with the permitted plans, and the entity approved by the District in accordance with subsections 7.1.1 through 7.1.4 of the Applicant's Handbook: Management and Storage of Surface Waters, accepts responsibility for operation and maintenance of the system. The permit may not be transferred to such an approved operation and maintenance entity until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the District, the permittee shall request transfer of the permit to the responsible approved operation and maintenance entity, if different from the permittee. Until the permit is transferred pursuant to section 7.1 of the Applicant's Handbook: Management and Storage of Surface Waters, the permittee shall be liable for compliance with the terms of the permit.
12. Should any other regulatory agency require changes to the permitted system, the permittee shall provide written notification to the District of the changes prior implementation so that a determination can be made whether a permit modification is required.
13. This permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This 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 permit and chapter 40C-4 or chapter 40C-40, F.A.C.
14. The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities which may arise by reason of the activities authorized by the permit or any use of the permitted system.
15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered specifically approved unless a specific condition of this permit or a formal determination under rule 40C-1.1006, F.A.C., provides otherwise.
16. The permittee shall notify the District in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of the permitted system or the real property at which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of rule 40C-1.612, F.A.C. The permittee transferring the permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to such sale, conveyance or other transfer.
17. Upon reasonable notice to the permittee, District authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with the plans and specifications approved by the permit.
18. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the District.
19. The permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.
20. This permit for construction will expire five years from the date of issuance.
21. At a minimum, all retention and detention storage areas must be excavated to rough grade prior to building construction or placement of impervious surface within the area to be served by those facilities. To prevent reduction in storage volume and percolation rates, all accumulated sediment must be removed from the storage area prior to final grading and stabilization.

22. All wetland areas or water bodies that are outside the specific limits of construction authorized by this permit must be protected from erosion, siltation, scouring or excess turbidity, and dewatering.
23. Prior to construction, the permittee must clearly designate the limits of construction on-site. The permittee must advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
24. This permit requires the recording of a conservation easement.

Description of Conservation Easement Area

The permittee shall provide to the District for review and written approval a copy of: (a) the preliminary plat showing the area to be encumbered by the conservation easement, or (b) a surveyor's sketch and legal description of the area to be placed under the conservation easement, per the approved mitigation plan, at least 45 days prior to (1) dredging, filling, or clearing any wetland or surface water for which mitigation is required, (2) clearing any upland within a Riparian Habitat Protection Zone for which mitigation is required, (3) the sale of any lot or parcel, (4) the recording of the subdivision plat, or (5) use of the infrastructure for its intended use, whichever occurs first.

If the impacts to an upland within a Riparian Habitat Protection Zone or to a wetland or surface water for which mitigation is required will occur in discrete phases, the areas to be preserved to offset such impacts may be placed under conservation easement in phases such that impacts are offset during each phase. Such phasing of preservation shall only occur if it has been proposed in the mitigation plan and approved by the permit, or if it is approved in writing by the District. A surveyor's sketch and legal description of the area to be placed under conservation easement during each phase must be submitted in accordance with the previous paragraph.

Recording of Conservation Easement

Prior to (1) dredging, filling, or clearing any wetland or surface water for which mitigation is required, (2) clearing any upland within a Riparian Habitat Protection Zone for which mitigation is required, (3) the sale of any lot or parcel, (4) the recording of the subdivision plat, or (5) use of the infrastructure for its intended use, whichever occurs first, the permittee shall record a conservation easement which shall include restrictions on the real property pursuant to section 704.06, Florida Statutes, and be consistent with section 12.3.8, Applicant's Handbook, Management and Storage of Surface Waters (February 1, 2005). The conservation easement shall be in the form approved in writing by the District and, if no plat has been submitted, the easement shall include the approved legal description and surveyor's sketch. If the District does not provide written comments on the preliminary plat or surveyor's sketch and legal description within 45 days of receipt, then the permittee may record the conservation easement with the legal description and surveyor's sketch or plat reference previously submitted. If the District provides written disapproval of the preliminary plat or surveyor's sketch and legal description, the permittee shall, within ten (10) days of receipt of the disapproval, correct all errors with the conservation easement, including the preliminary plat or legal description and surveyor's sketch, and record the conservation easement.

Pursuant to section 704.06, Florida Statutes, the conservation easement shall prohibit all construction, including clearing, dredging, or filling, except that which is specifically authorized by this permit, within the mitigation areas delineated on the final plans and/or mitigation proposal approved by the District. The easement must contain the provisions set

forth in paragraphs 1(a)-(h) of section 704.06, Florida Statutes, as well as provisions indicating that the easement may be enforced by the District, and may not be amended without written District approval.

Additional Documents Required

The permittee shall ensure that the conservation easement identifies, and is executed by, the correct grantor, who must hold sufficient record title to the land encumbered by the easement. If the easement's grantor is a partnership, the partnership shall provide to the District a partnership affidavit stating that the person executing the conservation easement has the legal authority to convey an interest in the partnership land. If there exist any mortgages on the land, the permittee shall also have each mortgagee execute a consent and joinder of mortgagee subordinating the mortgage to the conservation easement. The consent and joinder of the mortgagee shall be recorded simultaneously with the conservation easement in the public records of the county where the land is located. Within 30 days of recording, the permittee shall provide the District with: (a) the original recorded easement (including exhibits) showing the date it was recorded and the official records book and page number, (b) a copy of the recorded plat (if applicable), (c) a surveyor's sketch of the easement area plotted on the appropriate USGS topographic map, and (d) the original recorded consent and joinder(s) of mortgagee (if applicable).

Demarcation of Conservation Easement Area

Prior to lot or parcel sales, all changes in direction of the easement area boundaries must be permanently monumented above ground on the project site.

25. The proposed surface water management system must be constructed as per Plans received by the District on June 27, 2007.
26. The stormwater management system shall be inspected by the operation and maintenance entity once within two years after completion of construction and every two years thereafter to insure that the system is functioning as designed and permitted. If a required inspection reveals that the system is not functioning as designed and permitted, then within 14 days of the inspection the entity shall submit an Exceptions Report on form number 40C-42.900(6), Exceptions Report for Stormwater Systems Out of Compliance. The operation and maintenance entity must maintain a record of the required inspection, including the date of the inspection, the name, address and telephone number of the inspector, and whether the system was functioning as designed and permitted, and make such record available for inspection upon request by the District during normal business hours.
27. Mitigation to offset the impacts to wetlands and other surface waters authorized by this permit will be provided through Section 373.4137 F.S. Construction activities shall not occur prior to the approval of the mitigation plan by the District's Governing Board or its designee.

AS-BUILT CERTIFICATION BY PROFESSIONAL ENGINEER

Submit this form and one set of as-built engineered drawings to the U.S. Army Corps of Engineers, Enforcement Branch, Post Office Box 4970, Jacksonville, Florida 32232-0019. If you have questions regarding this requirement, please contact the Enforcement Branch at 904-232-2907.

1. Department of the Army Permit Number: _____

2. Permittee Information:

Name _____

Address _____

3. Project Site Identification:

Physical location/address _____

4. As-Built Certification:

I hereby certify that the authorized work has been accomplished in accordance with the Department of the Army permit with any deviations noted below. This determination is based upon on-site observation, scheduled and conducted by me or by a project representative under my direct supervision. I have enclosed one set of as-built engineering drawings.

Signature of Engineer

Name (Please type)

Florida Reg. Number

Company Name

Address

City State ZIP

(Affix Seal)

Date

Telephone Number

Deviations from the approved plans and specifications: (attach additional pages if necessary)

U.S. Army Corps of Engineers
Permit # SAT-2006-7591
Date: FEB 13 2008
Attachment: 3



CESAJ-RD-P (1145b)
SAJ-2005-6154(IP-AWP)

JAN 11 2008

MEMORANDUM FOR RECORD

SUBJECT: Department of the Army Environmental Assessment and Statement of Findings for the Above-numbered Permit Application

1. Applicant: Florida Department of Transportation
Attn: Van Humphreys
1109 South Marion Avenue
Lake City, Florida 32025

2. Location, Project Description, Existing Conditions: The proposed project would impact waters of the United States (including wetlands) associated with multiple unnamed wetlands and Lochloosa Creek, part of the Ocklawaha River Hydrologic Basin and discharge to the St. Johns River. The proposed project is the existing State Road 26 (SR 26) and United States Highway 301 (US 301) corridor in Sections 17 and 18, Township 9 South, Range 22 East in Alachua County, Florida.

This project was previously reviewed under the same project number with a public notice dated September 12, 2005. Due to project modifications which caused an increase in impacts to waters of the United States the project is being re-noticed. The applicant previously proposed to impact 9.90 acres of wetlands and surface waters to improve an existing highway interchange at SR 26 and US 301. Revised plans require 15.03 acres of impact to wetlands and 1.26 acres of impact to surface waters. The proposed improvements include realignment of SR 26, a 278-foot bridge to span US 301 and the adjacent CSX Railroad, stormwater retention facilities, and the installation of cross drains. A majority of the additional impacts occur in wetland 4.

The applicant has provided a description of the existing onsite habitat by type as classified by the *Florida Department of Transportation's Florida Land Use, Cover and Forms Classification System (FLUCFCS)*. The existing communities include Wetland Forested Mixed (630), Cypress (621), and Hydric Pine Flatwoods - Plantation (625). The Wetland Forested Mixed community contains a mixture of hardwood and coniferous species dominated by cypress (*Taxodium spp.*), red maple (*Acer rubrum*), laurel oak (*Quercus laurifolia*), water oak (*Quercus nigra*), fetterbush (*Iyonia lucida*), St. Johns wort (*Hypericum spp.*), Virginia chain fern (*Woodwardia virginica*), cinnamon fern (*Osmunda cinnamomea*), and netted chain fern (*Woodwardia areolata*). The Cypress community consists of cypress with an understory of fetterbush, Virginia

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chain fern, cinnamon fern, and netted chain fern. The Hydric Pine Flatwoods - Plantation community is comprised of slash pine (*Pinus elliottii*), red maple, sweetgum (*Liquidambar styraciflua*), cypress, water oak, and laurel oak. Other species within the sub-canopy include saltbush (*Baccharis halimifolia*), fetterbush, chalky bluestem (*Andropogon glomeratus*), and St. Johns wort.

3. Project Purpose: Basic: To improve a highway interchange.

Overall: To improve the highway interchange by realigning SR 26 and constructing a new bridge to span US 301.

4. Scope of Analysis: The scope of analysis was limited to the project site and included endangered species, essential fisheries habitat concerns, and cultural resources.

5. Statutory Authority: Section 404 of the Clean Water Act (33 U.S.C. 1344).

6. Other Federal, State, and Local Authorizations Obtained or Required and Pending:

a. State Permit/Certification: The Department of St. Johns River Water Management District (SJRWMD) permit number 4-001-99646-1 was issued on 11 December 2007.

b. Coastal Zone Management (CZM) consistency/permit: There is no evidence or indication from the State of Florida that the project is inconsistent with the Florida Coastal Zone Management Plan. Issuance of a SJRWMD permit certifies that the project is consistent with the CZM plan.

c. Other Authorizations: No information has been received regarding any other authorizations that may be required.

7. Date of Public Notice and Summary of Comments

a. The initial application was received on 20 June 2005. A public notice was issued on 12 September 2005. The applicant requested the application be deactivated due to project design changes and funding problems. The applicant requested the application to be re-activated on 13 June 2007. The application was considered complete on 7 August 2007. A second public notice was issued on 7 August 2007, and sent to all interested parties including appropriate State and Federal agencies. All comments

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received on this application have been reviewed and are
summarized below:

(1) Environmental Protection Agency (EPA): By letter dated 5 September 2007, the EPA requested a 30-day extension to the public notice comment period. The US Army Corps of Engineers (Corps) granted their request by letter dated 12 September 2007; however EPA did not provide any comments.

(2) U.S. Fish and Wildlife Service (FWS): Responded via letter dated 18 September 2007, which concurred with the Corps determination the project as proposed will not adversely affect federally listed species.

(3) National Marine Fisheries Service (NMFS): By electronic letter dated 3 October 2005, the NMFS had no objection to the proposed project.

(4) State Historic Preservation Officer (SHPO): By letter dated 14 October 2005, SHPO indicated that the proposed project would have no effect on any sites listed, or eligible for listing, in the National Register of Historic Places, or otherwise of national, state, or local significance.

(5) No comments were received from State or Local agencies, organizations, individuals or any other interested party.

b. Applicant's response to the comments: The comments were not coordinated with the applicant since no adverse comments were received.

8. Alternatives:

a. Avoidance (No action, uplands, availability of other sites): The purpose of the project is to improve safety and add capacity to the SR-26/US 301 interchange. In order to make such improvement the applicant proposes to realigning SR 26 and constructing a new bridge to span US 301 and the existing CSX railroad. The alternatives for the roadway are limited to roadway alignment changes, stormwater management pond location, and the no build alternative.

The applicant has completed a Project Development and Engineering study (PD&E) which evaluated each of alternatives described

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above. The study evaluated the Level of Service (LOS) of the existing alignment. LOS is a measure of the quality of the vehicular traffic flow on a roadway. LOS A represents free-flow conditions and LOS F represents highly congested or stop and go conditions. The study concluded the current LOS at the interchange is "F", the lowest possible level. The desired LOS for this classification of roadway is C or better. The study also concluded the no action alternative would not allow for project completion and would continue to cause traffic and safety concerns.

A Pond Siting Report was completed to assess pond site location and configuration. The Report analyzed four wet detention ponds sites and two alternatives for each location in addition to various collection methods including sloping the roadway all to one roadside collection ditch, providing dual ditches to intercept offsite runoff and using a standard ditch diversion envelope around the outside of the pond berm. The pond sites selected were chosen based on smaller site areas, typically corresponding to a lesser cost, avoiding flood zone and social impacts, as well as minimizing wetland impacts. Pond site 2 requires the largest amount of wetland impacts (1.43 acres) and was chosen over the alternative A-2 design based on its lesser impact to wetlands.

Alternative alignments were evaluated and it was determined a southerly alignment utilizing a bridge to cross US 301 and the CSX railroad was the preferred alternative due to the ensured increased LOS in the future as well as reduced project cost, approximately \$779,000 less than other alignments. This southerly alignment will cause increased wetland impacts but will not displace any existing homes and will have less socioeconomic impacts.

b. Minimization (modified project designs, etc.): The project has been minimized to the maximum extent possible that would allow the applicant to achieve the project purpose. The applicant previously proposed to impact 9.90 acres of wetlands and surface waters to improve the existing interchange. Revised plans and design changes require 15.03 acres of impact to wetlands and 1.26 acres of impact to surface waters. The proposed improvements include realignment of SR 26, a 278-foot bridge to span US 301 and the existing CSX railroad, stormwater retention facilities, and the installation of cross drains. A majority of the additional impacts occur in wetland 4. The

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applicant was not asked to further minimize wetland impacts from what was submitted due to the design and stormwater management requirements associated with the overpass.

c. Compensatory Mitigation (Wetland enhancement, creations, etc.): To ensure no net loss of wetland functions the applicant proposes to offset all wetland impacts by contributing funds to SJRWMD in accordance with section 373.4137, Florida Statute. The project will specifically be mitigated as part of the SJRWMD FDOT Mitigation Plan 2005 Road Projects, Basin 11, Mitigation ID# SJ-29. More specifically found on page 11 of the 2005 FDOT Mitigation Plan, the plan calls for the preservation and enhancement of approximately 325 acres of uplands and wetlands that would become additions to Newman's Lake Conservation Area or a new conservation area at Fowler's Prairie. In accordance with the Memorandum of Understanding between the St. Johns River Water Management District (SJRWMD) and the United States Army Corps of Engineers, Jacksonville District signed October 16, 2007 and October 9, 2007 respectively, the SJRWMD shall submit an annual status report and five year update of the mitigation described above.

The applicant has determined the road realignment will cause the loss of 10.438 functional units. The Corps generally concurs with the applicant's functional assessment. The compensatory mitigation provided will exceed the functional loss, ensuring there is no net loss of wetland function.

The applicant will not be require to compensate for surface water impact as new roadside surface waters will be constructed to divert stormwater to retention/detention ponds.

9. Evaluation of the 404(b)(1) Guidelines: The proposed project has been reviewed in accordance with the 404 (b)(1) Guidelines. The review shows that all the alternatives have been reviewed and it has been adequately demonstrated that the proposed alternative is the least environmentally damaging and only practicable alternative considering cost, existing technology and logistics. It would not cause or contribute to violations of State Water quality standards, jeopardize the existence of any endangered species or impact a marine sanctuary. No significant degradation would be expected and all appropriate and practicable steps have been taken to minimize impacts.

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10. Public Interest Review:

a. Corps analysis of comments and responses: All comments received in response to the public notice have been considered in the following public interest review.

b. All public interest factors have been reviewed, including but not limited to the effects the work might have on conservation, economics, esthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, land use, navigation, shore erosion and accretion, recreation, water quality, safety, and consideration of property ownership. It has been determined that the proposed work will not adversely impact any of the public interest factors.

c. Describe the relative extent of the public and private need for the proposed structure or work: Public benefits include employment opportunities and a potential increase in the local tax base. The beneficial effects for public transportation may include an increase in public safety, increased carrying capacity of the roadway and the more effective movement of vehicular traffic. The increased carrying capacity may also facilitate intrastate/interstate commerce.

d. Describe the practicability of using reasonable alternative locations and methods to accomplish the objective of the purposed work where there are unresolved conflicts as to resource use: There are no unresolved conflicts regarding resource use.

e. Describe the extent and permanence of the beneficial and/or detrimental effects which the proposed work is likely to have on the public and private uses to which the area is suited: Detrimental impacts are expected to be minimal although they would be permanent in the construction area. The beneficial effects for public transportation may include an increase in public safety, increased carrying capacity of the roadway and the more effective movement of vehicular traffic. The increased carrying capacity may also facilitate intrastate/interstate commerce.

f. Threatened or Endangered Species: The proposed project will not jeopardize the continued existence or critical habitat of any threatened or endangered species. The Corps determined

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the proposed project may affect, but is not likely to adversely affect the wood stork (*Mycteria americana*) and the Eastern Indigo Snake (*Dymarchon corais couperi*). The FWS concurred with this determination via letter dated 18 September 2007.

g. Essential Fisheries Habitat (EFH): The public notice included an initial determination that the project would not have an adverse impact on EFH or Federally managed fisheries. The NMFS did not provide any EFH conservation recommendations in response to the public notice. Therefore, the Corps is satisfied that the consultation procedures outlined in 50 CFR Section 600.920 of the regulation to implement the EFH provisions of the Magnuson-Stevens Act have been met.

h. Corps Wetland Policy: The proposed wetland alteration is necessary to realize the project purpose and should result in minimal adverse environmental impacts. The benefits of the project would outweigh the minimal detrimental impacts. The project would result in a no-net loss of wetland functions and values. Therefore the project is in accordance with the Corps wetland policy.

i. Cumulative and Secondary Impacts: Cumulative and secondary impacts would not be unacceptable. Filling of wetlands at this project site would not set precedent for additional filling activities in waters of the United States to occur. Mitigation is proposed within the same drainage basin ensuring no net loss of wetland function.

The applicant will incorporate best management practices to reduced potential secondary impacts. Additionally, any permit issued would include a special condition to include installation of erosion control measures along the perimeter of all work areas to prevent the displacement of fill material. Immediately after completion of the final grading of the land surface, all slopes, land surfaces, and filled areas adjacent to wetlands shall be stabilized using sod, degradable mats, or a combination of similar stabilizing materials to prevent erosion. The erosion control measures shall remain in place and be maintained until all authorized work has been completed and the site has been stabilized. Further, the applicant will employ a Consultant Engineer and Inspector (CEI) to ensure erosion control measures are installed and maintained.

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j. Corps Comments and Responses: No adverse comments were received.

11. Determinations:

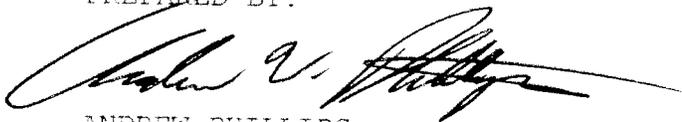
a. Finding of No Significant Impact (FONSI). Having reviewed the information provided by the applicant and all interested parties and an assessment of the environmental impacts, I find that this permit action will not have a significant impact on the quality of the human environment. Therefore, an Environmental Impact Statement will not be required. (Only required for IP's not LOP)

b. Compliance with 404(b)(1) guidelines. Having completed the evaluation in paragraph 7 above, I have determined that the proposed discharge complies with the 404(b)(1) guidelines.

c. Public interest determination: I find that issuance of a Department of the Army permit is not contrary to the public interest.

d. Section 176(c) of the Clean Air Act General Conformity Rule Review: The proposed permit action has been analyzed for conformity applicability pursuant to regulations implementing Section 176(c) of the Clean Air Act. It has been determined that the activities proposed under this permit will not exceed *de minimis* levels of direct emissions of a criteria pollutant or its precursors and are exempted by 40 CFR Part 93.153. Any later indirect emissions are generally not within the Corps' continuing program responsibility and generally cannot be practicably controlled by the Corps. For these reasons a conformity determination is not required for this permit action.

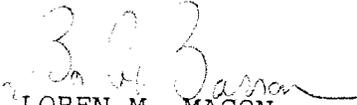
PREPARED BY:



ANDREW PHILLIPS
Project Manager

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REVIEWED BY:


LOREN M. MASON
Chief, Special Projects and
Enforcement Branch

APPROVED BY:


PAUL L. GROSSKRUGER
Colonel, Corps
of Engineers Commanding

CF:

CESAJ-RD-PE