



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
COCOA REGULATORY FIELD OFFICE
400 HIGH POINT DRIVE, SUITE 600
COCOA, FLORIDA 32926

REPLY TO
ATTENTION OF

May 1, 2008

Regulatory Division
Cocoa Permits Section
SAJ-2008-571(NW-AWP)

FDOT-District 2
Attn: Van Humphreys
1109 Marion Ave.
Lake City, Florida 32025

Dear Mr. Humphreys:

Your application for a Department of the Army permit received on March 24, 2008, has been assigned number SAJ-2008-571(NW-AWP). A review of the information and drawings provided shows the proposed work involves temporary impacts to 0.38 acres of waters of the United States (salt marsh) for the rehabilitation of Pier 15 of State Road 312 Bridge. The State Road 312 Bridge crosses the Matanzas River, south of St. Augustine, in St. Johns County, Florida.

Your project, as depicted on the received drawings, is authorized by Nationwide Permit (NWP) Number 3. In addition, project specific conditions have been enclosed. This verification is valid until May 1, 2010. Please access the U.S. Army Corps of Engineers' Jacksonville District's Regulatory web address at <http://www.saj.usace.army.mil/regulatory/permitting/nwp/nwp.htm> to access web links to view the Final Nationwide Permits, Federal Register Vol. 72, dated March 12, 2007, the Corrections to the Final Nationwide Permits, Federal Register 72, May 8, 2007, and the List of Regional Conditions. These files contain the description of the Nationwide Permit authorization, the Nationwide Permit general conditions, and the regional conditions, which apply specifically to this verification for NWP 3. Enclosed is a list of the six General Conditions, which apply to all Department of the Army authorizations. You must comply with all of the special and general conditions and any project specific condition of this authorization or you may be subject to enforcement action. In the event you have not completed construction of your project within the specified time limit, a separate application or re-verification may be required.

The following special conditions are included with this verification:

1. Within 60 days of completion of the work authorized, the attached "Self-Certification Statement of Compliance" must be completed and submitted to the U.S. Army Corps of Engineers. Mail the completed form to the Regulatory Division, Enforcement Section, Post Office Box 4970, Jacksonville, Florida 32232-0019.

2. No structure or work shall adversely affect or disturb properties listed in the National Register of Historic Places or those eligible for inclusion in the National Register. Prior to the start of work, the Permittee or other party on the Permittee's behalf, shall conduct a search in the National Register Information System (NRIS). Information can be found at; <http://www.cr.nps.gov/nr/research/nris.htm>. Information on properties eligible for inclusion in the National Register can be identified by contacting the Florida Master File Office by email at fmsfile@dos.state.fl.us or by telephone at 850-245-6440.

If unexpected cultural resources are encountered at any time within the project area that was not the subject of a previous cultural resource assessment survey, work should cease in the immediate vicinity of such discoveries. The permittee, or other party, should notify the SHPO immediately, as well as the appropriate Army Corps of Engineers office. After such notifications, project activities should not resume without verbal and/or written authorization from the SHPO.

If unmarked human remains are encountered, all work shall stop immediately, and the proper authorities notified in accordance with Section 872.05, Florida Statutes, unless on Federal lands. After such notifications, project activities on non-Federal lands shall not resume without verbal and/or written authorization from the Florida State Archaeologist for finds under his or her jurisdiction.

3. The Permittee shall maintain 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. The Permittee agrees follow the Standard Manatee Conditions for In-water Work (July 2005 Version).

5. The Permittee agrees to the placement of fenders on barges and other large vessels such that when moored together, the fenders provided a minimum stand-off distance, at and below the water line, of four feet under maximum compression.

6. Within 3 months from the date of completing the authorized work, the Permittee shall restore all impacted areas defined in the field on 12 February 2008 and outlined in your submittal to the Corps to their pre-existing contour. Additionally, the Permittee agrees to replant all vegetative areas impacted by the repair activities. The areas should be replanted with in-kind vegetation.

7. To meet the objectives of the approved compensatory mitigation plan, the Permittee shall achieve the following performance standards:

a. At least 80 percent cover by appropriate wetland species (i.e., FAC or wetter).

b. Less than 5 percent cover of Category I and II invasive exotic plant species, pursuant to the most current list established by the Florida Exotic Pest Plant Council at <http://www.fleppc.org>, and shall include the nuisance species primrose willow (*Ludwigia peruviana*), dogfennel (*Eupatorium capillifolium*), Bermudagrass (*Cynodon* spp.), Bahiagrass (*Paspalum notatum*), and cattail (*Typha* spp.).

c. Less than 20 percent mortality of planted wetland species.

The Permittee shall achieve the above performance standards by the end of the 5-year monitoring period, with no maintenance during the 5th year of monitoring. In the event that the above performance standards have not been achieved, the Permittee shall undertake a remediation program approved by the Corps.

8. To show compliance with Special Condition 6 the Permittee shall perform a time-zero monitoring event and yearly monitoring of the wetland mitigation areas.

9. The FDOT will submit an annual status report outlining the vegetative success of the restoration areas. The reports should be submitted in the month of August to the U.S. Army Corps of Engineers, Attn: Andrew Phillips, 400 High Point Drive, Suite 600, Cocoa, Florida 32926, for evaluation. The Permittee's responsibility to complete the required compensatory mitigation, as set forth in Special Condition number 6 of this permit will not be considered fulfilled until mitigation success has been demonstrated and written verification has been approved by the Corps. A mitigation area which has been released will require no further monitoring or reporting by the Permittee; however the Permittee, Successors and subsequent Transferees remain perpetually responsible to ensure that the mitigation area(s) remain in a condition appropriate to offset the authorized impacts.

This letter of authorization does not obviate the necessity to obtain any other Federal, State, or local permits, which may be required. In Florida, projects qualifying for this NWP must be authorized under Part IV of Chapter 373 by the Department of Environmental Protection, a water management district under §. 373.069, F.S., or a local government with delegated authority under §. 373.441, F.S., and receive Water Quality Certification (WQC) and Coastal Zone Consistency Concurrence (CZCC) (or a waiver), as well as any authorizations required by the State for the use of sovereignty submerged lands. You should check State-permitting requirements with the Florida Department of Environmental Protection or the appropriate water management district.

This letter does not give absolute Federal authority to perform the work as specified on your application. The proposed work may be subject to local building restrictions mandated by the National Flood Insurance Program. You should contact your local office that issues building permits to determine if your site is located in a flood-prone area, and if you must comply with the local building requirements mandated by the National Flood Insurance Program.

If you are unable to access the internet or require a hardcopy of any of the conditions, limitations, or expiration

date for the above referenced NWP, please contact Andrew Phillips by telephone at 321-504-3771 ext 14.

Thank you for your cooperation with our permit program. The Corps Jacksonville District Regulatory Division is committed to improving service to our customers. We strive to perform our duty in a friendly and timely manner while working to preserve our environment. We invite you to take a few minutes to visit the following link and complete our automated Customer Service Survey: <http://regulatory.usacesurvey.com/>. Your input is appreciated - favorable or otherwise.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew W. Phillips", with a long horizontal flourish extending to the right.

Andrew W. Phillips
Project Manager

cc: Intron Technologies, Inc.
Attn: Jody Windsor
4859 Victor Street
Jacksonville, Florida 32207

GENERAL CONDITIONS
33 CFR PART 320-330

PUBLISHED FEDERAL REGISTER DATED 13 NOVEMBER 1986

1. The time limit for completing the work authorized ends on **date identified in the letter**. 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 of the new 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 a representative 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.

SELF-CERTIFICATION STATEMENT OF COMPLIANCE

Permit Number: NW-3

Application Number: SAJ-2008-571

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

Telephone Number: _____

Location of the Work: _____

Date Work Started: _____ Date Work Completed: _____

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

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

Describe Mitigation completed (if applicable): _____

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

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

Signature of Permittee

Date

DEPARTMENT OF THE ARMY PERMIT TRANSFER REQUEST

PERMIT NUMBER: _____

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. Although the construction period for works authorized by Department of the Army permits is finite, the permit itself, with its limitations, does not expire.

To validate the transfer of this permit and the associated responsibilities associated with compliance with its terms and conditions, have the transferee sign and date below and mail to the U.S. Army Corps of Engineers, Enforcement Section, Post Office Box 4970, Jacksonville, FL 32232-0019.

(TRANSFEREE-SIGNATURE)

(SUBDIVISION)

(DATE)

(LOT)

(BLOCK)

(NAME-PRINTED)

(STREET ADDRESS)

(MAILING ADDRESS)

(CITY, STATE, ZIP CODE)

1 May 2008

MEMORANDUM FOR RECORD

SUBJECT: Statement of Findings/Environmental Assessment/Finding of No Significant Impact/Public Interest Determination

1. For each of the reissued and new Nationwide Permits (NWP), HQUSACE issued a decision document that contains an Environmental Assessment (EA), Statement of Findings, public interest review, and as appropriate, a Section 404(b)(1) Guidelines analysis. The Office of the Chief of Engineers has determined that division and district engineers will impose, as necessary, additional conditions on the NWP authorization or exercise discretionary authority to address locally important factors relating to the public interest, including any potential adverse effects on the human environment, and to ensure that the authorized activity results in no more than minimal individual and cumulative adverse effects on the environment. Supplemental documentation was prepared for the division engineer to address the individual and cumulative effects of the NWP(s) on local resources. On 12 July 2007, the supplemental documentation was issued by the division engineer and the Jacksonville District's proposed regional conditions were approved. Where required by the terms of the permit, general conditions, and/or regional conditions, the Jacksonville District will continue to perform case-specific review to ensure that the NWP will authorize only activities with no more than minimal individual and cumulative adverse effects on the environment and those activities will not be contrary to the public interest.

2. Name and address of applicant: FDOT
Attn: Van Humphreys
1901 S. Marion St.
Lake City, Florida 32025

3. Project description: A review of the information and drawings provided shows the proposed work involves temporary impacts to 0.38 acres of waters of the United States (salt marsh) for the rehabilitation of Pier 15 of State Road 312 Bridge. The State Road 312 Bridge crosses the Matanzas River, south of St. Augustine, in St. Johns County, Florida. This activity meets the terms and conditions for authorization under Nationwide Permit's 3, as published in the 12 March 2007, issue of the Federal Register (72 FR 11092).

4. Project location: The State Road 312 Bridge crosses the Matanzas River, south of St. Augustine, in St. Johns County, Florida.

5. Existing site conditions: Salt marsh is found surrounding the pier 15. Tidal flow floods the piers during high tide.

CESAJ-RD-P (1145b)

SUBJECT: Statement of Findings/Environmental Assessment/Finding of No Significant Impact/Public Interest Determination

6. Scope of Analysis: The scope of analysis for this project is limited to the entire length of the SR-312 Bridge and the immediate surrounding area.

7. Alternatives: See Decision Document for Nationwide Permit 3, which was approved by the Director of Civil Works on 1 March 2007, and Supplemental Environmental Assessment for Nationwide Permit 3, which was approved by the South Atlantic Division Commander on 12 July 2007.

8. Evaluation of the potential adverse environmental effects (direct, indirect, and cumulative) of the proposed activity: See Decision Document for Nationwide Permit 3, which was approved by the Director of Civil Works on 1 March 2007, and Supplemental Environmental Assessment for Nationwide Permit 3, which was approved by the South Atlantic Division Commander on 12 July 2007.

9. Mitigation required to ensure that the activity being verified by the U.S. Army Corps of Engineers (Corps) will have no more than minimal adverse effect on environment. The applicant will restore all temporary impacted wetlands to pre-existing contours including re-vegetation.

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

a. Clean Water Act Section 401 Water Quality Certification (WQC): The WQC was issued by SJRWMD.

b. Coastal Zone Management (CZM) consistency certification: Issuance of WQC will certify the project is consistent with CZM.

c. Endangered Species Act compliance: The Corps has determined the project will have no effect on federally listed species or EFH. The USFWS recommended the use of the following conditions:

The Permittee agrees follow the Standard Manatee Conditions for In-water Work (July 2005 Version).

The Permittee agrees to the placement of fenders on barges and other large vessels such that when moored together, the fenders provided a minimum stand-off distance, at and below the water line, of four feet under maximum compression.

CESAJ-RD-P (1145b)

SUBJECT: Statement of Findings/Environmental Assessment/Finding of No Significant Impact/Public Interest Determination

NMFS responded via letter dated 10 March 2008, stating if the applicant uses BMP's during construction, restores the area after construction, and monitors the areas the project will not have a substantial adverse impact to EFH or fisheries.

d. National Historic Preservation Act (NHPA) compliance: NHPA concerns will be addressed by the placement of a special condition in the verification letter advising Permittees to contact the State Historic Preservation Office prior to initiating work and how to proceed should unexpected cultural resources be encountered.

e. Other authorizations: N/A

11. Special Conditions: The permittee will be required to restore all temporarily impacted areas to pre-existing contours and replant with native in-kind vegetation.

12. Public interest review: See Decision Document for Nationwide Permit 3, which was approved by the Director of Civil Works on 1 March 2007, and Supplemental Environmental Assessment for Nationwide Permit 3, which was approved by the South Atlantic Division Commander on 12 July 2007.

13. Finding of No Significant Impact: See Decision Document for Nationwide Permit 3, which was approved by the Director of Civil Works on 1 March 2007.

14. Public Interest Determination: This activity, if conducted in accordance with the terms and conditions of the NWP and the special conditions stated in the NWP verification letter, will not be contrary to the public interest.

PREPARED BY:



Andrew W. Phillips
PROJECT MANAGER

REVIEWED BY:



Irene F. Sadowski
Chief, Cocoa Permits Section