



**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

October 10, 2008

Regulatory Division
Cocoa Permits Section
SAJ-2008-2647 (NW-AWP)

FDOT-District
Attn: Joy Giddens
1074 Highway 90
Chipley, Florida 32428

Dear Ms. Giddens:

Your application for a Department of the Army permit received on July 7, 2008, has been assigned number SAJ-2008-2647 (NW-AWP). A review of the information and drawings provided shows the proposed work involves permanent impacts to 0.087 acre and temporary impacts to 0.49 acres of waters of the United States (wetlands) for the replacement of a box culvert at mile post 8.29 (Bridge #510071) (South Bridge) along State Road 30A. The project is located in Section 1, Township 8 South, Range 11 West, in Gulf 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.

7. To meet your proposal for natural restoration without off-site compensatory mitigation, the applicant must perform the following activities:

a. Perform a time-zero monitoring event of the wetland impact area. The report will include at least one paragraph depicting baseline conditions of the impact site prior to initiation of construction activities. The report should include a detailed plan view drawing of the project area.

b. Subsequent to completion of the permitted activities, perform semi-annual monitoring of the restored wetland areas for 3 years.

c. Submit annual monitoring reports to the Corps within 60 days of completion of the yearly monitoring event. The baseline information should be included in each monitoring report. Semi-annual monitoring will be combined into one annual monitoring report.

8. The permittee agrees to control nuisance and exotic vegetation within the restored wetland areas for a period of 5 years. The restored wetlands shall contain 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.).

9. If after the 3rd year of monitoring and maintenance the restored wetlands do not meet the condition described, with no maintenance during the 3rd year of maintenance; the applicant agrees to make corrective measures to restore the temporarily impacted wetland to their pre existing condition. This corrective measure may include replanting with native vegetation.

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: NMFS, Rydene (electronically)
FWS, Mittiga (electronically)

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-2008-2647

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)

10 October 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-District
Attn: Joy Giddens
PO BOX 607
Chipley, Florida 32428

3. Project description: A review of the information and drawings provided shows the proposed work for Department of the Army (DA) application number SAJ-2008-2647(NW-AWP) involves permanent impacts to 0.087 acre and temporary impacts to 0.49 acres of waters of the United States (wetlands) for the replacement of a box culvert at mile post 8.29 (Bridge #510071) along State Road 30A. Temporary impacts will result as the result of a detour and temporary bridge crossing. SR 30A is an evacuation route and must be maintained open year round. The applicant has designed a temporary detour which reduces impacts and ensures mobility. This activity meets the terms and conditions for authorization

CESAJ-RD-NC (1145b)

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

under Nationwide Permit , as published in the 12 March 2007, issue of the Federal Register (72 FR 11092).

4. Project location: Bridge #510071 is located at latitude 29.7218 north longitude 85.3035 west, Section 1, Township 8 South, Range 11 West, Gulf County, Florida. Bridge #510072 is located at latitude 29.7538 north longitude 85.3037 west, Section 25, Township 8 South, Range 11 West, Gulf County, Florida

5. Existing site conditions: The southern bridge/culvert is located in Gulf County on SR 30A. The SR 30A bridge/culvert is located over an unnamed tidal bayou of the St. Joseph Bay and adjoins property of the St. Joseph Bay Aquatic Preserve. The estuarine emergent plants of this area are dominated by cordgrass (*Spartina alterniflora*) and black needlerush (*Juncus roemerianus*), with some saltbush (*Salicornia bigelovii*). Within the limits of the temporary on-site diversion, a temporary easement from the Aquatic Preserve will be obtained for construction. In the upland areas, the dominant vegetation is saw palmetto and a few slash pines. There is one private residence on the north east end of the project limits. Utilities associated with water, power, and telephone are buried on the east side of SR30A.

6. Scope of Analysis: The scope is limited to the immediate permit area.

7. Alternatives: See Decision Document for Nationwide Permit , which was approved by the Director of Civil Works on 1 March 2007, and Supplemental Environmental Assessment for Nationwide Permit , 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 , which was approved by the Director of Civil Works on 1 March 2007, and Supplemental Environmental Assessment for Nationwide Permit , 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: No compensatory mitigation is proposed. The applicant will restore all temporally impacted areas to their pre-existing contour and monitor for natural recruitment. If recruitment does not occur the applicant will replant. The applicant has developed a

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

erosion control plan that will reduce cumulative and secondary impacts to the watershed. Avoidance and minimization will be realized through the use of sheet pile wall rather than 3:1 fill for construction of the temporary detour road at milepost 8.2. The detour will be speed restricted allowing for a tighter curve and smaller footprint of the temporary bridge structure. The applicant will monitor the site for one year to ensure it has re-vegetated naturally. If it is not re-vegetating with natural (non-exotic) vegetation the applicant will take corrective measures to ensure native regeneration at the site.

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

a. Clean Water Act Section 401 Water Quality Certification (WQC): The WQC, number 23-0288435-001-DG, was issued on 30 May 2008.

b. Coastal Zone Management (CZM) consistency certification: The issuance of a state WQC permit will certify the project is consistent with CZM.

c. Endangered Species Act compliance: The applicant has consulted directly with U.S. Fish and Wildlife Service (FWS). The FWS provided written concurrence with the applicant determination via letter dated 2 July 2008. The Corps consulted with FWS via electronic mail dated 5 August 2008 and determined additional consultation is not required. FWS suggested any permit issued should include the Standard Manatee Construction Conditions.

The Corps has determined the project as proposed will have no effect on swimming sea turtles or the small tooth sawfish. This determination was made based on the mucky shallow water nature of the site and the construction methods proposed. It is anticipated that any fish or turtle would be observed prior to entering the work area and work would be stopped prior to impacts.

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 how to proceed should unexpected cultural resources be encountered.

e. Other authorizations: NOAA's National Marine Fisheries Service (NMFS), Habitat Conservation Division (HCD), has conducted essential fish habitat (EFH) coordination with the Corps and the Florida Department of Transportation in reference

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to the proposed SR 30A tidal culvert replacement at Mile Post 8.2 in Gulf County, Florida. Based on the proposed permit conditions regarding the reestablishment of impacted salt marsh following the removal of the temporary access road and the use of Best Management Practices to minimize sedimentation and turbidity, NMFS anticipates that any adverse effects that might occur on marine and anadromous fishery resources (EFH) will be minimal and, therefore, does not object to issuance of the permit(s).

11. Special Conditions: Specific special conditions have been developed for the project regarding restoration of temporary impacts. The applicant has developed and erosion control plan and will incorporate best management practices during construction which will reduce/eliminate adverse impacts to the watershed.

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 , which was approved by the Director of Civil Works on 1 March 2007.

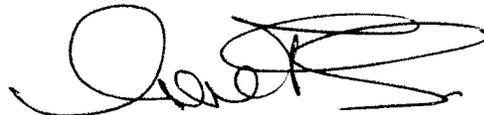
14. Public Interest Determination: This activity, if conducted in accordance with the terms and conditions of the NWP and the special conditions stated in the NWP verification letter, will not be contrary to the public interest.

PREPARED BY:



Andrew W. Phillips
PROJECT MANAGER

REVIEWED BY:



Irene F. Sadowski
Chief, Cocoa Permits Section