



Southwest Florida Water Management District

2379 Broad Street, Brooksville, Florida 34604-6899

(352) 796-7211 or 1-800-423-1476 (FL only)

SUNCOM 628-4150 TDD only 1-800-231-6103 (FL only)

On the Internet at: WaterMatters.org

An Equal
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Employer

Bartow Service Office
170 Century Boulevard
Bartow, Florida 33830-7700
(863) 534-1448 or
1-800-492-7862 (FL only)

Sarasota Service Office
6750 Fruitville Road
Sarasota, Florida 34240-9711
(941) 377-3722 or
1-800-320-3503 (FL only)

Tampa Service Office
7601 Highway 301 North
Tampa, Florida 33637-6759
(813) 985-7481 or
1-800-836-0797 (FL only)

September 06, 2017

Florida Department of Transportation, District 7
Attn: Virginia Creighton
11201 North McKinley Drive, MS7-820
Tampa, FL 33612

Subject: **Notice of Intended Agency Action - Approval
ERP Individual Construction Major Modification**

Project Name: FDOT Old Tampa Bay Water Quality Improvement Project
App ID/Permit No: 729973 / 43000920.017
County: Hillsborough
Sec/Twp/Rge: S10/T29S/R17E, S09/T29S/R17E, S11/T29S/R17E

Dear Permittee(s):

The Southwest Florida Water Management District (District) has completed its review of the application for Environmental Resource Permit modification. Based upon a review of the information you have submitted, the District hereby gives notice of its intended approval of the application.

The File of Record associated with this application can be viewed at <http://www18.swfwmd.state.fl.us/erp/erp/search/ERPSearch.aspx> and is also available for inspection Monday through Friday, except for District holidays, from 8:00 a.m. through 5:00 p.m. at the District's Tampa Service Office, 7601 U.S. Highway 301 North, Tampa, Florida 33637.

If you have any questions or concerns regarding the application or any other information, please contact the Environmental Resource Permit Bureau in the Tampa Service Office.

Sincerely,

Michelle K. Hopkins, P.E.
Bureau Chief
Environmental Resource Permit Bureau
Regulation Division

cc: U. S. Army Corps of Engineers
Daniel Lauricello, P.E.
Edward Cronyn
Shayne Paynter, P.E., Atkins Global



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Dear Permittee(s):

The Southwest Florida Water Management District (District) is in receipt of your application for the Environmental Resource Permit modification. Based upon a review of the information you submitted, the application is approved.

Please refer to the attached Notice of Rights to determine any legal rights you may have concerning the District's agency action on the permit application described in this letter.

If approved construction plans are part of the permit, construction must be in accordance with these plans. These drawings are available for viewing or downloading through the District's Application and Permit Search Tools located at www.WaterMatters.org/permits.

The District's action in this matter only becomes closed to future legal challenges from members of the public if such persons have been properly notified of the District's action and no person objects to the District's action within the prescribed period of time following the notification. The District does not publish notices of agency action. If you wish to limit the time within which a person who does not receive actual written notice from the District may request an administrative hearing regarding this action, you are strongly encouraged to publish, at your own expense, a notice of agency action in the legal advertisement section of a newspaper of general circulation in the county or counties where the activity will occur. Publishing notice of agency action will close the window for filing a petition for hearing. Legal requirements and instructions for publishing notices of agency action, as well as a noticing form that can be used, are available from the District's website at www.WaterMatters.org/permits/noticing. If you publish notice of agency action, a copy of the affidavit of publication provided by the newspaper should be sent to the District's Tampa Service Office for retention in this permit's File of Record.

If you have any questions or concerns regarding your permit or any other information, please contact the Environmental Resource Permit Bureau in the Tampa Service Office.

Sincerely,

Michelle K. Hopkins, P.E.
Bureau Chief
Environmental Resource Permit Bureau
Regulation Division

Enclosures: Approved Permit w/Conditions Attached
 [As-Built Certification and Request for Conversion to Operation Phase](#)
 Notice of Authorization to Commence Construction
 Notice of Rights
cc: U. S. Army Corps of Engineers
 Daniel Lauricello, P.E.
 Edward Cronyn
 Shayne Paynter, P.E., Atkins Global

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
ENVIRONMENTAL RESOURCE
INDIVIDUAL CONSTRUCTION MAJOR MODIFICATION
PERMIT NO. 43000920.017**

EXPIRATION DATE: September 06, 2022

PERMIT ISSUE DATE: September 06, 2017

This permit is issued under the provisions of Chapter 373, Florida Statutes, (F.S.), and the Rules contained in Chapter 62-330, Florida Administrative Code, (F.A.C.). The permit authorizes the Permittee to proceed with the construction of a surface water management system in accordance with the information outlined herein and shown by the application, approved drawings, plans, specifications, and other documents, attached hereto and kept on file at the Southwest Florida Water Management District (District). Unless otherwise stated by permit specific condition, permit issuance constitutes certification of compliance with state water quality standards under Section 401 of the Clean Water Act, 33 U.S.C. 1341. All construction, operation and maintenance of the surface water management system authorized by this permit shall occur in compliance with Florida Statutes and Administrative Code and the conditions of this permit.

PROJECT NAME: FDOT Old Tampa Bay Water Quality Improvement Project

GRANTED TO: Florida Department of Transportation, District 7
Attn: Virginia Creighton
11201 North McKinley Drive, MS7-820
Tampa, FL 33612

OTHER PERMITTEES: N/A

ABSTRACT: This permit authorization is for the modification of ERP No. 44000920.009, serving the Courtney Campbell Causeway (State Road 60), as shown in the approved construction drawings. The proposed modifications include the removal of approximately 229 linear feet of causeway and the construction of a new bridge in its place. This will be done to improve water quality on the north side of the causeway by increasing the flushing between the north and south sides, ultimately reducing the overall residence time of Old Tampa Bay north of the causeway. Additional information regarding the proposed project and any associated wetlands and/or surface waters impacts is stated below and on the permitted construction drawings for this project. No adverse on-site/off-site water quantity or quality impacts are expected. The project site is located approximately 2.00 miles west of the Causeway/Veterans Expressway interchange in the City of Tampa, Hillsborough County.

OP. & MAIN. ENTITY: Florida Department of Transportation, District 7

OTHER OP. & MAIN. ENTITY: N/A

COUNTY: Hillsborough

SEC/TWP/RGE: S10/T29S/R17E, S09/T29S/R17E, S11/T29S/R17E

TOTAL ACRES OWNED

OR UNDER CONTROL: 342.00

PROJECT SIZE: 342.00 Acres

LAND USE: Road Projects

DATE APPLICATION FILED: June 06, 2016

AMENDED DATE: N/A

I. Water Quantity/Quality

Water Quantity/Quality Comments: The proposed project is located within WBID 1558H – Old Tampa Bay, which is classified as one of the main segments of Tampa Bay and is considered impaired for nutrients due to the Reasonable Assurance approach pursued by the Tampa Bay Estuary Program (TBEP). As such, certification of compliance with state water quality standards under Section 401 of the Clean Water Act, 33 U.S.C. 1341 has been waived as a condition of this permit authorization.

The Engineer-of-Record has provided computations demonstrating that the proposed bridge will increase flushing in Old Tampa Bay north of the causeway, reducing the overall residence time for this part of the bay. This in turn will result in a regional improvement to the water quality of Tampa Bay, which may be used in combination with on-site treatment and additional BMP's (i.e., swales, baffle boxes, etc.) to provide compensatory treatment for future roadway projects by FDOT.

The proposed water quality improvement is anticipated to result in an equivalent annual reduction credit of approximately 10,161 kilograms of nitrogen. The Engineer-of-Record has determined that a reduction of this magnitude would be the equivalent of the nitrogen loading generated by approximately 3,060 acres of highway/roadway projects given an established Event Mean Concentration (EMC) value of 1.52 mg/l associated with these projects. The load reduction credits generated by this project may be used to supplement and/or provide compensatory treatment for improvements associated with future FDOT Roadway projects located in the vicinity of Tampa Bay; however the use of these credits will need to be determined on a case-by-case basis (see Specific Condition Nos. 24 and 25 below). Credits shall only become available if the project meets the success criteria outlined in the Water Quality Monitoring and Compliance Plan. Credits shall be released in accordance with the Water Quality Improvement Release Schedule received by the District on May 16, 2017.

Formal treatment and attenuation is not required for this project, as the replacement of the 229-foot span of causeway with a bridge will not result in an increase in impervious surface area. No adverse on-site/off-site water quantity or quality impacts are expected.

A mixing zone is required.

A variance is required.

II. 100-Year Floodplain

Encroachment (Acre-Feet of fill)	Compensation (Acre-Feet of excavation)	Compensation Type	Encroachment Result* (feet)
0.00	0.00	No Encroachment	N/A

*Depth of change in flood stage (level) over existing receiving water stage resulting from floodplain encroachment caused by a project that claims Minimal Impact type of compensation.

III. Environmental Considerations

Wetland/Other Surface Water Information

Wetland/Other Surface Water Name	Total Acres	Not Impacted Acres	Permanent Impacts		Temporary Impacts	
			Acres	Functional Loss*	Acres	Functional Loss*
Tampa Bay	322.99	322.15	0.54	0.00	0.30	0.00
Total:	322.99	322.15	0.54	0.00	0.30	0.00

* For impacts that do not require mitigation, their functional loss is not included.

Wetland/Other Surface Water Comments:

Wetlands are not located within the project area for this ERP; however, there are 322.99 acres of other surface water features, consisting of 322.99 acres of Tampa Bay (FLUCCS 540 and 911), located within the project area. Permanent dredging and filling impacts to 0.54 acre of the project surface waters will occur for the removal of a portion of the Courtney Campbell Causeway and construction of a new 229-foot bridge span. Temporary surface water impacts of 0.3 acre are proposed to facilitate the construction of the bridge span.

Mitigation Information

Name	Creation		Enhancement		Preservation		Restoration		Enhancement + Preservation		Other	
	Acres	Functional Gain	Acres	Functional Gain	Acres	Functional Gain	Acres	Functional Gain	Acres	Functional Gain	Acres	Functional Gain
Stratum A	0.00	0.00	90.88	5.09	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Stratum B West	0.00	0.00	89.80	7.18	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Stratum B East	0.00	0.00	32.96	1.91	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Stratum C West	0.00	0.00	86.31	4.57	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Stratum C East	0.00	0.00	19.98	1.16	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total:	0.00	0.00	319.93	19.91	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Mitigation Comments:

Wetland mitigation will not be required for permanent dredging and filling impacts to 0.54 acre of unconsolidated bay bottom within Tampa Bay (FLUCCS 540) pursuant to Subsection 10.2.2 of the ERP Applicant's Handbook Vol. I. Under this Section, wetland mitigation is not required for impacts that have been determined to be de minimis to fish, wildlife and listed species. The Permittee has demonstrated however, that the project will result in surface water enhancement to portions of Tampa Bay located north of the Courtney Campbell Causeway. The results of the UMAM analysis of the proposed enhancements indicate a functional gain of 19.91 units. The resulting excess of 19.91 functional gain units may be reserved for future withdrawal, pursuant to condition of this permit, by the Florida Department of Transportation for permitted impacts within the Tampa Bay and Coastal Areas basin.

Excess functional gain shall be available for application to future Florida Department of Transportation (FDOT) projects within the Tampa Bay and Coastal Areas basin pursuant to the following:

- a. A total of 5.73 Functional Gain units are derived from improvement of Location and Landscape values within assessment areas Stratum B West (2.41 units), Stratum B East (0.64 units), Stratum C West (2.29 units), and Stratum C East (0.39 units). Therefore 5.73 Functional Gain units will be available upon approval of the as-built drawings demonstrating the opening of the Courtney Campbell Causeway has been constructed as permitted.
- b. A total of 13.17 Functional Gain units are derived from the anticipated improvement of Water Environment values within assessment areas Stratum A (5.09 units), Stratum B West (4.77 units), Stratum B East (0.64), Stratum C West (2.28 units), and Stratum C East (0.39 units). Functional Gain units will be available upon demonstration that each individual assessment area has met the water quality related success criteria described in Seagrass Monitoring Plan.
- c. A total 1.01 Functional Gain units are derived from the anticipated improvement of Community Structure values within assessment areas Stratum B East (0.63 units) and Stratum C East (0.38 units). Functional Gain units will be available upon demonstration that each individual assessment area has met the seagrass related success criteria described in the Seagrass Monitoring Plan.

Specific Conditions

1. If the ownership of the project area covered by the subject permit is divided, with someone other than the Permittee becoming the owner of part of the project area, this permit may be terminated, unless the terms of the permit are modified by the District or the permit is transferred pursuant to Rule 40D-1.6105, F.A.C. In such situations, each land owner shall obtain a permit (which may be a modification of this permit) for the land owned by that person. This condition shall not apply to the division and sale of lots or units in residential subdivisions or condominiums.
2. The Permittee shall retain the design professional registered or licensed in Florida, to conduct on-site observations of construction and assist with the as-built certification requirements of this project. The Permittee shall inform the District in writing of the name, address and phone number of the design professional so employed. This information shall be submitted prior to construction.
3. Unless otherwise specified by permit conditions, the Permittee shall monitor the proposed seagrass enhancement in accordance with the document contained in the file-of-record entitled "Old Tampa Bay/Courtney Campbell Causeway Seagrass Mitigation and Monitoring Plan" (Seagrass Monitoring Plan), uploaded into the District's Water Management Information System (WMIS) on May 30, 2017. The Permittee shall provide a monitoring report within 30 days of completion of all pre-construction monitoring events. After construction, the Permittee shall submit monitoring reports within 30 days of completion of each "post-construction" monitoring event.
4. The proposed seagrass enhancement shall be considered successful, in part or in full, when it has been demonstrated that the "Success Criteria" described in the Seagrass Monitoring Plan has been met.
5. The Permittee shall submit a semi-annual status report, commencing on the date of issuance, documenting the status of all future and completed monitoring requirements and construction schedules.
6. The permittee must submit an as-built survey of the constructed bridge span channel certified by a registered surveyor or professional engineer showing dimensions, grades, ground elevations, and water surface elevations. Upon District approval, the Permittee shall commence post-construction monitoring as described in the Seagrass Monitoring Plan.
7. Following the District's determination that the enhancement activities have been successfully completed, the Permittee shall operate and maintain the bridge span and associated channel such that they remain in their intended condition for the life of the system. The Permittee must perform corrective actions and/or maintenance activities to any component of the bridge span and channel where conditions no longer meet the approved design.
8. Excess mitigation shall be available for application to future FDOT projects within the Tampa Bay and Coastal Areas basin pursuant to the following:
 - a. A total of 5.73 Functional Gain units are derived from improvement of Location and Landscape values within assessment areas Stratum B West (2.41 units), Stratum B East (0.64 units), Stratum C West (2.29 units), and Stratum C East (0.39 units). All of the 5.73 Functional Gain units will be available upon approval of the as-built drawings demonstrating the opening of the Courtney Campbell Causeway has been constructed as permitted.
 - b. A total of 13.17 Functional Gain units are derived from the anticipated improvement of Water

Environment values within assessment areas Stratum A (5.09 units), Stratum B West (4.77 units), Stratum B East (0.64), Stratum C West (2.28 units), and Stratum C East (0.39 units). Functional Gain units will be available upon demonstration that each individual assessment area has met the water quality related success criteria described in Seagrass Monitoring Plan.

c. A total 1.01 Functional Gain units are derived from the anticipated improvement of Community Structure values within assessment areas Stratum B East (0.63 units) and Stratum C East (0.38 units). Functional Gain units will be available upon demonstration that each individual assessment area has met the seagrass related success criteria described in the Seagrass Monitoring Plan.

9. The following boundaries, as shown on the approved construction drawings, shall be clearly delineated on the site prior to initial clearing or grading activities:

- a. surface water areas
- b. limits of approved surface water impacts

The delineation shall endure throughout the construction period and be readily discernible to construction and District personnel.

10. The Permittee shall comply with the following conditions intended to protect manatees from direct project effects:

a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The Permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.

b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a 4-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.

d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.

e. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida and to FWC at ImperiledSpecies@myFWC.com.

f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs shall be removed by the Permittee upon completion of the project. Temporary signs that have already been approved for this use by the FWC must be used. One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8 1/2 by 11 " explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be

posted in a location prominently visible to all personnel engaged in water-related activities. These signs can be viewed at MyFWC.com/manatee. Questions concerning these signs can be sent to the email address listed above.

g. At least one dedicated observer shall be present when dredging is being performed and shall perform no other duties that may interfere with their ability to observe for protected marine species. Observer(s) must have prior on-the-job experience observing protected marine species (such as manatees and marine turtles) during previous dredging work where the activities were similar in nature to this project. Movement of a work barge or other associated vessels shall be minimized to the greatest extent possible at night. A final report including names of observers, contact information, protected marine species sightings and actions taken shall be sent to the Florida Fish and Wildlife Conservation Commission at ImperiledSpecies@myfwc.com, no later than 30 days after each dredging event and/or final project completion.

h. No nighttime mechanical dredging, such as clamshell, shall occur.

11. This modification, Permit No. 43000920.017, amends previously issued Permit No. 44000920.009, and adds conditions. All other original permit conditions remain in effect.
12. Certification of compliance with state water quality standards under Section 401 of the Clean Water Act, 33 U.S.C. 1341 is waived.
13. The Permittee shall notify the District of any sinkhole development in the stormwater management system within 48 hours of discovery and must submit a detailed sinkhole evaluation and repair plan for approval by the District within 30 days of discovery.
14. The Permitted Plan Set for this project includes the Seagrass Mitigation Plan from the submittal received by the District on May 12, 2017; all remaining plan sheets are from the set received by the District on February 22, 2017.
15. District staff must be notified in advance of any proposed construction dewatering. If the dewatering activity is likely to result in offsite discharge or sediment transport into wetlands or surface waters, a written dewatering plan must either have been submitted and approved with the permit application or submitted to the District as a permit prior to the dewatering event as a permit modification. A water use permit may be required prior to any use exceeding the thresholds in Chapter 40D-2, F.A.C.
16. Off-site discharges during construction and development shall be made only through the facilities authorized by this permit. Water discharged from the project shall be through structures having a mechanism suitable for regulating upstream stages. Stages may be subject to operating schedules satisfactory to the District.
17. This permit is valid only for the specific processes, operations and designs indicated on the approved drawings or exhibits submitted in support of the permit application. Any substantial deviation from the approved drawings, exhibits, specifications or permit conditions, including construction within the total land area but outside the approved project area(s), may constitute grounds for revocation or enforcement action by the District, unless a modification has been applied for and approved. Examples of substantial deviations include excavation of ponds, ditches or sump areas deeper than shown on the approved plans.
18. Water quality monitoring shall be conducted within Old Tampa Bay, a Class III Florida waterbody, in conformance with the guidelines established in *Table No. 1. Water Quality Monitoring Program* of the Water Quality Monitoring and Compliance Plan received by the District on May 16, 2017 for the duration of the project.

19. Water quality monitoring for turbidity shall be conducted within Old Tampa Bay, a Class III Florida waterbody, in conformance with the guidelines established in *Turbidity Monitoring Plan* received by the District on August 30, 2017 for the duration of the demolition and construction portions of the project.
20. Mixing zones for turbidity are granted with the following size and configuration constraints:
 - a. The mixing zones shall extend no further than 250 feet in radius from the footprint of the new bridge.
 - b. The mixing zones are granted exclusively for the construction of the new bridge.
21. Turbidity monitoring will be conducted during the duration of the dredging and filling activities and when construction site activities or conditions could result in turbid water discharges. Turbidity monitoring stations will consist of four (4) sampling stations. The background stations will be located no more than 500 feet upcurrent of all impact areas so as to not be influenced by construction activities. Compliance stations are located outside the turbidity control measures and will be used to document compliance with State water quality criteria (Chapter 62-302 F.A.C.).
22. Sampling Protocol:

Turbidity monitoring will occur daily, every four hours during construction. Compliance station sampling will occur at mid-depth within the densest portion of any construction-generated turbidity. Background station sampling will occur at mid-depth outside of any construction-generated turbidity.

The compliance station locations shall be considered the limits of the temporary mixing zone for turbidity allowed during construction. If monitoring reveals compliance station turbidity levels exceed 29 NTUs above the background station turbidity level, construction activities shall cease immediately and not resume until corrective measures have been taken and turbidity has returned to acceptable levels. Any such occurrence shall be immediately reported to the Southwest Florida Water Management District, Tampa Office.

A log of the monitoring data shall be maintained at the site and submitted to the Southwest Florida Water Management District, attention Tampa Service Office Environmental Manager every week. The submitted monitoring report shall contain the following information: (1) permit number; (2) dates of sampling and analysis; (3) a statement describing the methods used in collection, handling, storage and analysis of the samples; (4) a map indicating the sampling locations and (5) a statement by the individual(s) responsible for implementation of the sampling program concerning the authenticity, precision, limits of detection and accuracy of the data. Monitoring reports shall also include the following information for each sample that is taken:

 - a. NTU value;
 - b. Time of day sample collected;
 - c. Antecedent weather conditions;
 - d. Wind direction and velocity;
 - e. Tidal stage and direction of flow;
 - f. Depth of water body sample collected from;
 - g. Depth of sample.
23. If any violation of state water quality standards from turbidity occur, all construction activities shall cease immediately. The violation shall be immediately reported to the District at (813) 985-7481, attention Environmental Manager. The violation report shall include the description of the

corrective actions being taken or proposed to be taken. If violations are noted after normal business hours, on holidays or on weekends, the report shall be made to the District as soon as normal business hours resume.

24. The release of water quality credits for supplemental/compensatory treatment shall be in accordance with *Table 2. Water Quality Improvement Release Schedule* from the Water Quality Monitoring and Compliance Plan received by the District on May 16, 2017.
25. Construction and operation permits for future linear transportation projects that rely on the water quality credits established with this permit must meet the conditions for issuance in Rules 62-330.301 and 62-330.302, F.A.C., in effect when the application for the construction permit is filed. Design concepts included in the application for this permit that will contribute to the degradation of a waterbody on the verified list of impaired waters adopted pursuant to Rule 62-303, F.A.C., or are inconsistent with an adopted Total Maximum Daily Loading or Basin Management Action Plan shall not be binding on the District.

GENERAL CONDITIONS

1. The general conditions attached hereto as Exhibit "A" are hereby incorporated into this permit by reference and the Permittee shall comply with them.

Michelle K. Hopkins, P.E.

Authorized Signature

EXHIBIT A

GENERAL CONDITIONS:

- 1 The following general conditions are binding on all individual permits issued under this chapter, except where the conditions are not applicable to the authorized activity, or where the conditions must be modified to accommodate, project-specific conditions.
 - a. All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with Rule 62-330.315, F.A.C., or the permit may be revoked and the permittee may be subject to enforcement action.
 - b. A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase, and shall be available for review at the work site upon request by the Agency staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.
 - c. Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation June 2007)*, and the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008)*, which are both incorporated by reference in subparagraph 62-330.050(8)(b)5, F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.
 - d. At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the Agency a fully executed Form 62-330.350(1), "Construction Commencement Notice,"[effective date], incorporated by reference herein (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02505>), indicating the expected start and completion dates. A copy of this form may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C. If available, an Agency website that fulfills this notification requirement may be used in lieu of the form.
 - e. Unless the permit is transferred under Rule 62-330.340, F.A.C., or transferred to an operating entity under Rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms and conditions of the permit for the life of the project or activity.
 - f. Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:
 1. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex - "Construction Completion and Inspection Certification for Activities Associated with a Private Single-Family Dwelling Unit" [Form 62-330.310(3)]; or
 2. For all other activities - "As-Built Certification and Request for Conversion to Operational Phase" [Form 62-330.310(1)].
 3. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.
 - g. If the final operation and maintenance entity is a third party:
 1. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as- built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.3 of Volume I) as filed with the Department of State, Division of Corporations and a copy of any easement, plat, or deed restriction

needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.

2. Within 30 days of submittal of the as-built certification, the permittee shall submit "Request for Transfer of Environmental Resource Permit to the Perpetual Operation Entity" [Form 62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.
- h. The permittee shall notify the Agency in writing of changes required by any other regulatory agency that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.
- i. This permit does not:
 1. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;
 2. Convey to the permittee or create in the permittee any interest in real property;
 3. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
 4. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.
- j. Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.
- k. The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.
- l. The permittee shall notify the Agency in writing:
 1. Immediately if any previously submitted information is discovered to be inaccurate; and
 2. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer of the permit in accordance with Rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.
- m. Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.
- n. If any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, work involving subsurface disturbance in the immediate vicinity of such discoveries shall cease. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section, at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Such subsurface work shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and notification

shall be provided in accordance with Section 872.05, F.S. (2012).

- o. 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 binding unless a specific condition of this permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.
 - p. The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other uplands in a manner that does not require a permit under Chapter 62-330, F.A.C., or cause violations of state water quality standards.
 - q. This permit is issued based on the applicant's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the Agency will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.
 - r. A Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with Rule 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.
2. In addition to those general conditions in subsection (1) above, the Agency shall impose any additional project-specific special conditions necessary to assure the permitted activities will not be harmful to the water resources, as set forth in Rules 62-330.301 and 62-330.302, F.A.C., Volumes I and II, as applicable, and the rules incorporated by reference in this chapter.

SOUTHWEST FLORIDA
WATER MANAGEMENT DISTRICT

NOTICE OF
AUTHORIZATION
TO COMMENCE CONSTRUCTION

FDOT Old Tampa Bay Water Quality Improvement Project

PROJECT NAME

Road Projects

PROJECT TYPE

Hillsborough

COUNTY

S10/T29S/R17E, S09/T29S/R17E, S11/T29S/R17E

SEC(S)/TWP(S)/RGE(S)

Florida Department of Transportation, District 7

PERMITTEE

See permit for additional permittees

APPLICATION ID/PERMIT NO: 729973 / 43000920.017

DATE ISSUED: September 06, 2017



Michelle K. Hopkins, P.E.

Issuing Authority

THIS NOTICE SHOULD BE CONSPICUOUSLY
DISPLAYED AT THE SITE OF THE WORK

Notice of Rights

ADMINISTRATIVE HEARING

1. You or any person whose substantial interests are or may be affected by the District's intended or proposed action may request an administrative hearing on that action by filing a written petition in accordance with Sections 120.569 and 120.57, Florida Statutes (F.S.), Uniform Rules of Procedure Chapter 28-106, Florida Administrative Code (F.A.C.) and District Rule 40D-1.1010, F.A.C. Unless otherwise provided by law, a petition for administrative hearing must be filed with (received by) the District within 21 days of receipt of written notice of agency action. "Written notice" means either actual written notice, or newspaper publication of notice, that the District has taken or intends to take agency action. "Receipt of written notice" is deemed to be the fifth day after the date on which actual notice is deposited in the United States mail, if notice is mailed to you, or the date that actual notice is issued, if sent to you by electronic mail or delivered to you, or the date that notice is published in a newspaper, for those persons to whom the District does not provide actual notice.
2. Pursuant to Subsection 373.427(2)(c), F.S., for notices of intended or proposed agency action on a consolidated application for an environmental resource permit and use of state-owned submerged lands concurrently reviewed by the District, a petition for administrative hearing must be filed with (received by) the District within 14 days of receipt of written notice.
3. Pursuant to Rule 62-532.430, F.A.C., for notices of intent to deny a well construction permit, a petition for administrative hearing must be filed with (received by) the District within 30 days of receipt of written notice of intent to deny.
4. Any person who receives written notice of an agency decision and who fails to file a written request for a hearing within 21 days of receipt or other period as required by law waives the right to request a hearing on such matters.
5. Mediation pursuant to Section 120.573, F.S., to settle an administrative dispute regarding District intended or proposed action is not available prior to the filing of a petition for hearing.
6. A request or petition for administrative hearing must comply with the requirements set forth in Chapter 28-106, F.A.C. A request or petition for a hearing must: (1) explain how the substantial interests of each person requesting the hearing will be affected by the District's intended action or proposed action, (2) state all material facts disputed by the person requesting the hearing or state that there are no material facts in dispute, and (3) otherwise comply with Rules 28-106.201 and 28-106.301, F.A.C. Chapter 28-106, F.A.C. can be viewed at www.flrules.org or at the District's website at www.WaterMatters.org/permits/rules.
7. A petition for administrative hearing is deemed filed upon receipt of the complete petition by the District Agency Clerk at the District's Tampa Service Office during normal business hours, which are 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding District holidays. Filings with the District Agency Clerk may be made by mail, hand-delivery or facsimile transfer (fax). The District does not accept petitions for administrative hearing by electronic mail. Mailed filings must be addressed to, and hand-delivered filings must be delivered to, the Agency Clerk, Southwest Florida Water Management District, 7601 Highway 301 North, Tampa, FL 33637-6759. Faxed filings must be transmitted to the District Agency Clerk at (813) 367-9776. Any petition not received during normal business hours shall be filed as of 8:00 a.m. on the next business day. The District's acceptance of faxed petitions for filing is subject to certain conditions set forth in the District's Statement of Agency Organization and Operation, available for viewing at www.WaterMatters.org/about.

JUDICIAL REVIEW

1. Pursuant to Sections 120.60(3) and 120.68, F.S., a party who is adversely affected by District action may seek judicial review of the District's action. Judicial review shall be sought in the Fifth District Court of Appeal or in the appellate district where a party resides or as otherwise provided by law.
2. All proceedings shall be instituted by filing an original notice of appeal with the District Agency Clerk within 30 days after the rendition of the order being appealed, and a copy of the notice of appeal, accompanied by any filing fees prescribed by law, with the clerk of the court, in accordance with Rules 9.110 and 9.190 of the Florida Rules of Appellate Procedure (Fla. R. App. P.). Pursuant to Fla. R. App. P. 9.020(h), an order is rendered when a signed written order is filed with the clerk of the lower tribunal.

