LETTER DATED 10/29/93

PERMIT 44-93-045

Northwest Florida Water Management District

Route 1, Box 3100, Havana, Florida 32333-9700
(On U.S. Highway 90, 10 miles west of Tallahassee)

Douglas E. Barr
Executive Director

(904) 539-5999
(Suncom) 771-2080

October 29, 1993

CERTIFIED/RETURN RECEIPT REQUESTED

Mr. Nelson M. Vega
Nelaz Ranch Corporation
P. O. Box 549
Greensboro, FL 32330

Dear Mr. Vega:

NOTICE OF AGENCY ACTION

Surface Water Management Permit No. 44-93-044 - Gadsden County

Enclosed, please find your Surface Water Management Permit for the above referenced application along with a copy of the staff report evaluating your application. Please read the enclosed documents, the issued permit and the staff report thoroughly to understand their contents.

We would like to bring to your attention Conditions number 2, 13 and 14. These conditions require that you undertake specific actions prior to the construction and operation of the facility. Condition number 13 specifically requires a pre-construction conference; this conference is of utmost importance and is designed to make the Permittee, engineer, and the contractor aware of the requirements of the permit and to answer any questions or concerns about the project. Additionally, we ask that you provide your contractor with the copy of the permit document enclosed for his use. Your timely fulfillment of these requests and requirements would provide for a cooperative process which should result in the prompt completion and operation of the permitted facility.

Please be advised that issuance of this permit does not relieve the applicant from the responsibility to obtain all other required Federal, State, local and special district authorizations prior to the commencement of construction.

If you object to the issuance of the permit as granted and desire an opportunity to discuss it, we urge you to contact the District immediately. When contacted, the District will try to address your concerns to your satisfaction. If your objections cannot be properly addressed, you may file a petition for an administrative hearing with the District no later than fourteen (14) days from the date of receipt of this letter.

CHARLES W. ROBERTS
Chairman - Bristol

E. HENTZ FLETCHER, JR.
Vice Chairman - Quincy

BENNETT EUBANKS
Sec./Treas. - Blountstown

JOHN O. DE LORGE
Cantonment

M. COPELAND GRISWOLD
Chumuckla

ROBERT L. HOWELL
Apalachicola

JOHN R. MIDDLEMAS, JR.
Panama City

GEORGE WILLSON
Tallahassee

ROGER H. WRIGHT
Valparaiso

A petition for an administrative hearing will be deemed filed with the District on the date of receipt by the Agency Clerk. The petition must comply with rule 40A-1.521, Florida Administrative Code. A copy of the appropriate rule is provided for your convenience.

Please contact this office if you have any questions concerning this matter. If we do not hear from you prior to the above identified deadline, we will assume that the recommendations in the staff report are acceptable to you. A copy of the required completion report has also been included for your convenience. This form must be completed and certified upon project completion, as noted in Condition 2 of your permit document.

Sincerely,

Ed Yaun, P. E., Chief
Bureau of Surface Water Regulation

EY:tw
Encls: Permit
Contractor's Copy of Permit
FAC Rule 40A-1.521
Completion Report

cc: Robert Presnell
Richard J. Musgrove, P.E.

NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT
SURFACE WATER MANAGEMENT PERMIT
Chapter 40A-44, F.A.C.

Permit Granted to:

Nelson M. Vega

Nelaz Ranch Corporation

P. O. Box 549

Greensboro, FL 32330

Application No.: 44-93-044

County: Gadsden

Section(s): SW 1/4 of 13

Township(s): 2 North

Range(s): 6 West

Type of Permit: General

Facility: Reconstruct an Existing Agricultural Impoundment

Permit No.: 44-93-044G

Purpose/Use of Facility: Livestock Watering and Irrigation

Expiration Date of Construction Authorization: October 28, 1996

This permit is issued under the provisions of Chapter 373, Florida Statutes and Chapter 40A-44, Florida Administrative Code. The above named Permittee is hereby authorized to perform the work and operate the facility shown in the submitted application, plans, specifications, drawings and other documents, attached hereto or on file with the District and made part hereof, and subject to conditions described as follows:

I. Limiting Conditions as Stipulated by Section 40A-44.381, F.A.C.:

1. The Permittee shall prosecute the work authorized in a manner so as to minimize any adverse impact of the works on fish, wildlife, natural environmental values, and water quality. The Permittee shall institute necessary measures during the construction period, including required compaction of any fill material placed in or around newly installed structures, to reduce erosion, turbidity, nutrient loading and sedimentation in the receiving waters.

2. The authorized facility shall not be determined fully complete, and the Operation and Maintenance Permit shall not become effective, until the "As-Built Certification and Completion Report" required pursuant to Sections 40A-44.301(7) and 40A-44.411, Florida Administrative Code, is submitted to the District, and the District has determined the project to have been

constructed in accordance with the approved design and any permit conditions stipulated in the construction authorization. The Permittee shall submit to the District a properly executed "As-Built Certification and Completion Report" within 30 days of the completion of the permitted project.

3. Discharges during construction 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 water stages. Stages may be subject to operating schedules satisfactory to the District.

4. The permit does not convey to the Permittee any property right nor any rights or privileges other than those specified in the permit and Chapter 40A-44, Florida Administrative Code.

5. The Permittee, by acceptance of this permit, agrees to its terms and conditions, and agrees to hold and save the District harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, operation, maintenance or use of any facility authorized by the permit.

6. Prior to any dewatering, plans shall be submitted to the District for approval.

7. The approved facility and lands owned or controlled by the Permittee shall be used as described and identified in the application. If the facility or those lands become part of a subdivision, development, or are used for purposes other than those identified in the application, the facility shall be dewatered until the required permits are obtained and the facility is properly modified or reconstructed.

8. The District's staff, upon proper identification, shall be permitted to enter the land where the permitted facilities are located to inspect and observe the facilities in order to determine compliance with the approved plans, specifications and conditions of the permit.

II. <u>General Terms and General Conditions of the Permit:</u>

9. This permit is valid only for the specified uses and operations applied for and indicated in the approved application, plans, specifications, drawings, or exhibits. Any unauthorized deviation from the approved plans, drawings, specifications, exhibits, or conditions of this permit may constitute grounds for revocation and enforcement action by the District.

10. By acceptance of this permit, the Permittee certifies that all statements in the application and in supporting data are true and accurate and based upon the best information available, and that all conditions set forth herein will be complied with. If any of the statements in the application or in the supporting data are found to be untrue or inaccurate, or if Permittee fails to comply with all of the conditions set forth herein, then this permit may be revoked as provided by Section 40A-44.341, F.A.C.

11. This permit is issued to the Permittee contingent upon continued ownership, lease or other present control of property on which the permitted project is located. This permit will be transferred as provided by Section 40A-44.351, F.A.C., and the acceptance by the assignee of all terms and conditions of the permit.

12. This permit constitutes certification of compliance with State Water Quality Standards for Federal permits (Section 401, PL 92-500). This permit does not authorize a variance from State Water Quality Standards as specified in Chapter 17-302, F.A.C., for Class III Waters at the facility's discharge point.

13. The Permittee, no later than two weeks (14 days) prior to the commencement of the approved work, shall contact the District to schedule a pre-construction conference with the District's staff and the contractor. The conference shall be scheduled for a mutually acceptable date and shall take place at the project site.

14. The Permittee shall complete the reconstruction of the facility authorized by this permit, and have the facility properly certified as provided by Section 40A-4.411, Florida Administrative Code, within three (3) years from the issuance date of the permit. <u>However, the authorized work shall be completed within one hundred and eighty (180) days of its initiation</u>.

III. <u>Specific Conditions of this Permit:</u>

15. The Permittee shall have the contractor schedule any activities associated with the reconstruction of the facility during a period of low flow and dry conditions in order to minimize the adverse impacts associated with increased runoff and erosion.

16. The Permittee shall install and properly maintain silt and sedimentation control measures at all points where runoff from disturbed areas could result in water quality violations of Chapter 17-302, F.A.C. This can be accomplished by the use of

filter fences, sedimentation screens, hay bales, erosion control blankets or other appropriate erosion and turbidity control measures. Appropriate locations for such control measures should be:

a. along the back toe of the embankment, or the extreme downstream limits of the construction area,
b. across the outflow stream from the site.

These locations are the minimum acceptable. Additional controls should be placed anywhere that sediment laden or turbid runoff water will be entering the out-flow stream or leaving the site. These erosion control measures must be maintained at all times.

17. The Permittee shall undertake the prompt stabilization of all disturbed areas during and after completion of construction. Suitable means for stabilization are grading, establishment of a vegetative cover by sodding or seeding, and the use of geo-textiles.

18. The Permittee shall stabilize wetland areas temporarily disturbed by the activities associated with the proposed reconstruction of the facility to limit or prevent erosion. These wetland areas shall be allowed to revegetate via volunteer colonization in order to re-establish their wetland function.

19. The authorized facility shall not be used to impound water until the required "As-Built Certification and Completion Report" has been submitted to the District and the District has determined the project to have been constructed in accordance with the approved design and any permit conditions stipulated in the construction authorization.

20. The Permittee shall stabilize the outfall area immediately below the discharge end of the primary spillway by construction of a plunge pool. This plunge pool area shall be lined with rip-rap or other materials that will provide for velocity dissipation and an incidental degree of aeration.

21. The Permittee shall allow a littoral shelf to become established to a water depth of 3', from an elevation from 237.50' to 240.50' (ref TBM). The Permittee shall allow wetland vegetation to become naturally established in the littoral area.

22. The Permittee shall establish and maintain at least a 50-foot wide buffer zone of herbaceous and woody species around at least 50% of the perimeter of the impoundment, excluding the dam, spillway and any existing roadways.

23. The Permittee shall preserve and maintain all wetlands found on the property above and below the permitted facility. The permittee shall also preserve and maintain the wetlands created or otherwise established within the permitted facility. The total amount of wetlands to be preserved is estimated to be 8.5 acres.

24. The principal spillway system of the authorized facility shall be constructed to allow for full drawdown and maintenance of a de-watered conditioned. As detailed in the submitted plans, the pipe and riser system shall be constructed with an 18" slide gate.

IV. Specific Conditions for Operation and Maintenance:

25. The Permittee shall provide for water quality protection during the operation and maintenance of the completed facility by implementing the applicable recommended treatments and conservation practices (BMPs) identified in the submitted Conservation Plan and permit application, and by implementing other BMPs as they become appropriate due to changing conditions or land uses. Further information about these treatments and practices (BMPs) is contained in the "Guide for Determining Best Management Practices", published by the U.S. Department of Agriculture Soil Conservation Service and the U.S. Environmental Protection Agency.

26. The facility shall be maintained and operated in a safe and functional state. The Permittee shall implement an operation and maintenance program which includes the inspection, testing, maintenance and repair of the approved facility according to the standards and criteria delineated in the following procedures:

Operation and Maintenance Procedures
For Farm Structures

a. General

In accordance with the recommendations of the Soil Conservation Service the following items are required for the proper operation and maintenance to keep the impoundment and all appurtenant structures in a safe and operable condition during the life of the structure. The owner of the impoundment is responsible for seeing that the structure is maintained to operate as designed for the life of the structure.

b. Maintenance

Embankment - Inspect semi-annually (March and September) and repair cut and fill slopes as needed. Replace eroded material and revegetate eroded areas. Keep the emergency spillway free of shrubs, woody plants, fences, buildings, etc. to preserve the design capacity.

Inlets - Check for obstructions in the inlets and remove as they occur to maintain structure capacity. Restore protective coatings to all metal works by repainting or resurfacing as needed. (According to manufacturer's recommendations)

Weed and Brush Control - Mow three (3) times annually (late spring (May), midsummer (July), and fall (September)) or as needed to control weeds, briars, and bushes on the embankment slopes. On areas inaccessible to power mowing equipment, control of large growing shrubs, trees and undesirable vegetation can be done by hand or chemicals. When using chemicals, care should be taken to follow all manufacturers' directions for use and observe all safety precautions.

c. Inspection

Inspections of an installed practice are necessary to ensure the practice is safe and functioning properly. Inspections shall:

1) assess the adequacy of operation and maintenance activities;
2) identify work needed to allow the practice to function as designed;
3) identify unsafe conditions; and
4) specify means of relieving unsafe conditions or performing other needed work.

The owner is responsible for making the necessary inspections.

27. If the Permittee fails to maintain the facility in accordance with the terms and conditions of this permit, said Permittee shall immediately dewater the facility. Failure to comply with stipulated terms and conditions of the permit will result in the revocation of the permit.

10/28/93

Authorized Signature Date
Northwest Florida Water
Management District