

# BOARD OF COUNTY COMMISSIONERS

## GULF COUNTY, FLORIDA

**INFORMATION** **AUGUST 14, 2012** **PAGE NO.**

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# BOARD OF COUNTY COMMISSIONERS GULF COUNTY, FLORIDA

1

1000 CECIL G. COSTIN, SR. BLVD., ROOM 302, PORT ST. JOE, FLORIDA 32456  
PHONE: (850) 229-6106/639-6700 • FAX: (850) 229-9252 • EMAIL: boccc@gulfcounty-fl.gov  
WEBSITE: www.gulfcounty-fl.gov

DATE AND TIME OF MEETINGS: SECOND AND FOURTH TUESDAYS AT 6:00 P.M., E.T.

August 1, 2012

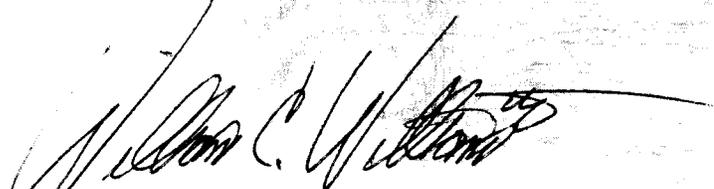
RE: Gulf County Board of County Commissioners: 2012 Election Canvassing Board

To Whom It May Concern:

I hereby appoint Commissioner Ward McDaniel to replace Linda Griffin on the Canvassing Board for the 2012 election cycle.

If you have any questions, please do not hesitate to contact me anytime.

Sincerely,  
GULF COUNTY BOARD OF COUNTY COMMISSIONERS



William C. Williams, III  
Chairman

cc: Linda Griffin  
Ward McDaniel  
Information

REPLACEMENT  
DATE: 8/14/12 LL  
1

BOARD OF COUNTY COMMISSIONERS  
GULF COUNTY, FLORIDA

CHIEF ADMINISTRATOR'S OFFICE

Donald Butler, Chief Administrator

1000 CECIL G. COSTIN, SR. BLVD., ROOM 302, PORT ST. JOE, FLORIDA 32456

PHONE: (850) 229-6111/639-6700 • FAX: (850) 229-9252 • EMAIL: dbutler@gulfcounty-fl.gov

DATE AND TIME OF MEETINGS: SECOND AND FOURTH TUESDAYS AT 6:00 P.M., E.T.

July 26, 2012

Jimmy Sorenson, Striping Division  
Traffic Control Products of Florida  
5514 Carmack Road  
Tampa, FL 33610

RE: BID#: 1112-07-Iola Road Striping

Dear Mr. Sorenson;

The Gulf County Board of County Commissioners voted to award the above project to your organization on February 28, 2012. As I stated on the phone, we greatly appreciate your company honoring your prices from that bid.

Please consider this letter of award to serve as official notification of such. Contact will be made in the near future from Jake Lewis, the county Project Manager on this project. His contact phone number is: 850.227.1401 and email address is: jlewis@gulfcounty-fl.gov.

Gulf County is proud to announce our partnership and looks forward to a successful project. Feel free to contact me at (850) 229-6106 at any time if you need have any questions or concerns.

Sincerely,  
GULF COUNTY BOARD OF COUNTY COMMISSIONERS



Lynn Lanier  
Deputy Administrator

Cc: Don Butler  
Jeremy Novak  
Jake Lewis  
Kari Summers

information 8/10/12 LL

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REBECCA L. NORRIS  
CLERK OF CIRCUIT COURT  
GULF COUNTY, FLORIDA  
2012 AUG -8 AM 10:48

BOARD OF COUNTY COMMISSIONERS  
GULF COUNTY, FLORIDA

3

CHIEF ADMINISTRATOR'S OFFICE

Donald Butler, Chief Administrator

1000 CECIL G. COSTIN, SR. BLVD., ROOM 302, PORT ST. JOE, FLORIDA 32456

PHONE: (850) 229-6111/639-6700 • FAX: (850) 229-9252 • EMAIL: dbutler@gulfcounty-fl.gov

DATE AND TIME OF MEETINGS: SECOND AND FOURTH TUESDAYS AT 6:00 P.M., E.T.

July 30, 2012

Tommy Pitts, Director  
Port Authority  
P.O. Box 745  
Port St. Joe, FL 32457

Dear Mr. Pitts:

The Gulf County Board of County Commissioners has recently completed a long process of modifying our sign ordinance. During this process a constituent came to the board with complaints about this ordinance. His contention is that there are only so many locations that can be advertised to gain the most visibility to the public.

Where does that fit in with the Port Authority? The board would like to ask for your consideration of allowing signage to be placed on the corner of Highway 98 and Industrial Road for the purpose of advertising banners for businesses on Industrial Road. This could be a potential rental opportunity for the Port Authority as well as a much needed advertising prospect for the Port.

If you have any questions or would like more information, please contact me. Thank you for your service!

Sincerely,



Donald Butler  
Chief Administrator

DB/ll

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GULF COUNTY, FLORIDA  
2012 AUG - 8 AM 10:48

CARMEN L. McLEMORE  
District 1

WARD McDANIEL  
District 2

BILL WILLIAMS  
District 3

TAN SMILEY  
District 4

WARREN YEAGER  
District 5

INFORMATION  
DATE 8/14/12 LL  
3

THERE WILL BE A DEDICATION CEREMONY OF HIGHWAY 22 AS "VETERAN'S MEMORIAL HIGHWAY" ON 8/22/12 AT 9:00 CT/10:00 ET AT THE FIRE TOWER ON HIGHWAY 22

GULF COUNTY BOARD OF COUNTY COMMISSIONERS  
ADMINISTRATION

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GULF COUNTY, FLORIDA  
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INFORMATION  
DATE 8/14/12 4

**NOTICE OF APPLICATION FOR TAX DEED**

**NOTICE IS HEREBY GIVEN** that NuTax 1 GP the holder of the following Tax Certificate, has filed said certificate for a tax deed to be issued thereon. The certificate number and year of issuance, the description of the property, and the names in which it was assessed are as follows:

Tax Sale Certificate No. 1542 Application No. 2012 - 31  
Date of Issuance: May 28, 2010 R.E. No. 06269-892R

**Description of Property:**

**Lot 9, Block D, Seagrass Subdivision, according to the Plat thereof recorded in the Public Records of Gulf County, Florida, in Plat Book 5, Page 1.**

Name in which assessed: Steven Delonga and Ryan Dwyer

All of said property being in Gulf County, State of Florida. **Unless** such certificate shall be redeemed according to law, the property described in such certificate will be sold to the highest bidder in the front Lobby of the Gulf County Courthouse, 1000 Cecil G. Costin, Sr. Blvd., Port St. Joe, Florida at 11:00 AM, E.T., Wednesday, the 22nd day of August, 2012. Dated this 17th day of July, 2012.

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REBECCA L. NORRIS  
CLERK OF CIRCUIT COURT  
GULF COUNTY, FLORIDA  
2012 AUG -8 AM 10:48

REBECCA L. NORRIS  
CLERK OF THE CIRCUIT COURT  
GULF COUNTY, FLORIDA  
BY:   
Donna L. Ray  
Deputy Clerk

FORMATION  
DATE 8/14/12 U

Tax Sale Certificate No. 1542  
 Date of Issuance: May 28, 2010

Application No. 2012 - 31  
 R.E. No. 06269-892R

TO: Steven Delonga and Ryan Dwyer  
2100 Riverside Parkway, Suite 700 2100 Riverside Parkway, Suite 700  
Atlanta, GA 30328 Atlanta, GA 30328

**WARNING**

There are unpaid taxes on property which you own or in which you may have legal interest. The property will be sold at public auction on Wednesday, the 22nd day of August, 2012 at 11:00 AM, E.T., unless the back taxes are paid. To make payment, or to receive further information, contact the Gulf County Clerk of the Circuit Court immediately at the Gulf County Courthouse, 1000 Cecil G. Costin, Sr. Blvd., Port St. Joe, Florida, (850) 229-6112.

**Description of Property Referred to Above is:**

**Lot 9, Block D, Seagrass Subdivision, according to the Plat thereof recorded in the Public Records of Gulf County, Florida, in Plat Book 5, Page 1.**

## PUBLIC NOTICE

**A Public Hearing will be held at the Planning and Development Review Board (PDRB) meeting on Monday, August 20 , 2012 at 8:45 a.m. EST, and at the Board of County Commissioners (BOCC) meeting on Tuesday, August 28, 2012 at 6:00 p.m. EST. Both public hearings will be held in the BOCC Meeting Room at the Robert M. Moore Administration Building, 1000 Cecil G. Costin Sr. Blvd., Port St. Joe, Florida. The public hearings will be to discuss and act on the following:**

1. Variance Application - Mickey and Sharon Winchester - Parcel ID # 03805-130R- Located in Section 23, Township 6 South, Range 11 West, Gulf County, Florida - encroachment into road setback.
2. Development Policy, Ordinances, Comprehensive Plan and LDR Revisions
  - Comprehensive Plan Amendments
    - Transmittal of proposed military support and other comp plan amendments
    - Comp Plan and LDR review of vested private properties within conservation land use amendment
  - Occupational License
  - Construction without permit penalties and fines
  - After the fact variances penalties and fines
  - Additional development & planning issues
3. Public and Open Discussion

The public is encouraged to attend and be heard on these matters. Information prior to the meeting can be viewed at the Planning Department at 1000 Cecil G. Costin Sr. Blvd., Room 311.

Ad #2012-83

Date: August 9, 2012 and August 16, 2012

Invoice: Gulf County Planning Department

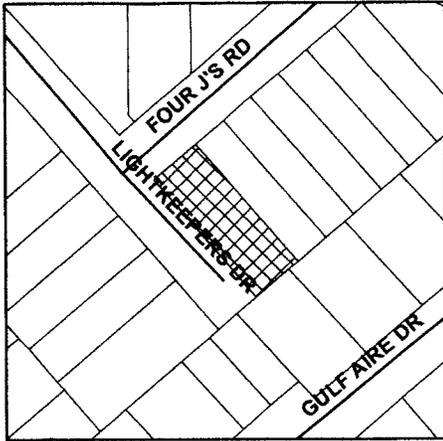
**Size: Headline no smaller than 18 point**

**Must be at least 2 columns wide by 10 inches long**

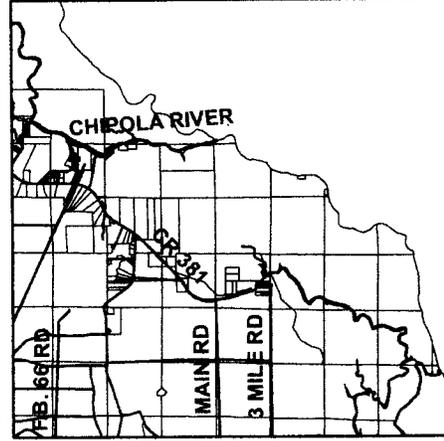
**Must not appear in the newspaper portions where legal notices and classified advertisements appear**

**MAP**

Variance - Mickey & Sharon Winchester



Vested Private Property in Conservation



Military Support Amendment



BOARD OF COUNTY COMMISSIONERS  
GULF COUNTY, FLORIDA  
PLANNING DEPARTMENT  
DAVID RICHARDSON, PLANNER

1000 CECIL G. COSTIN, SR. BLVD., • ROOM 312 PORT ST. JOE, FLORIDA 32456 • PHONE (850) 227-9562 • FAX (850) 227-9563

MEMORANDUM

To: Gulf County Board of County Commissioners (BOCC)  
CC: Chief Administrator, County Attorney, County Departments  
From: David Richardson, Planner/Co-Floodplain Administrator  
For: Gulf County, Florida  
NFIP Number 120098  
Subject: 2012 Floodplain Management Progress Report  
Date: August 14, 2012

Because the BOCC is a participant in Community Rating System (CRS) under the National Flood Insurance Program (NFIP), the CRS program requires an annual progress report by the participant. Enclosed is the 2012 report for your review and comments. The final report for approval will be presented to you at your August 28, 2012 meeting.

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CLERK OF CIRCUIT COURT  
GULF COUNTY, FLORIDA  
2012 AUG - 8 AM 10:50

INFORMATION  
DATE 8/14/12 CC  
9

# Gulf County, Florida

## 2012 Floodplain Management Progress Report

### Background

In order for a community property owner to receive insurance premium reductions for National Flood Insurance, the community must participate in the Community Rating System (CRS) program. As a condition of continued participation in the CRS program, the community is required to complete an annual recertification report and submit it to FEMA by October 1<sup>st</sup>. The Floodplain Administrator is responsible for the annual progress report. The Floodplain Administrator tracks flood activities during the reporting period and consults with other county departments for applicable input. This memorandum is Gulf County's progress report as compiled by the Floodplain Administrator and the process also requires this report be distributed to the media and be made available to the public. The approved Progress Report will be e-mailed to the STAR. Copies of the Progress Report have been and are available for review in the Gulf County Planning Department, Room 311 and Gulf County Building Department, Room 305 located in the Robert M. Moore Administration Building. The report will also be available on the County and Planning Department web page.

The Gulf County, Florida Floodplain Management Plan was presented to the Gulf County Board of County Commissioners (BOCC) on August 14, 2012 for review and approval at the August 28, 2012 regular meeting. Copies of the approved plan have been and are available for review in the Gulf County Planning Department, Room 311 and Gulf County Building Department, Room 305 located in the Robert M. Moore Administration Building. Copies are available from the Clerk of the Courts Office in the Main Court House. Both facilities are located at 1000 Cecil G. Costin, Sr. Blvd., Port St. Joe, Florida, 32456. The flood plain ordinance is also posted on the Planning Departments web page.

### Flood Events

For the first half of the report period of August through December 2011, Gulf County had no major flooding activity. Within that period, August through October did produce periods of heavy rain. However, November and December ushered in dryer weather that carried over into June, 2012 that left Gulf County experiencing a moderate drought until Tropical Storm Debby impacted our area.

TS Debby was a storm for the text books when discussing predictability as a complex weather pattern contained many variables that gave the tropical models a very difficult time with Debby's forecast track. The climatic complexity resulted in weak steering currents that resulted impacts from coastal erosion and heavy rain fall due to a slow moving system. Even though Debby was a weakly organized storm, the coastal erosion was rather sever due to her broad circulation and the duration of coastal exposure due to the slow forward motion. The main impact was flash flooding, broken overhead lines from falling trees and limbs from an estimate 4"+ in the lower Western coastal section and increasing to 10" +/- as you move East across the county. Even though there was 10+" of rain, riverine flood waters were not an issue as the rain did not impact the river system enough to generate flood levels, especially with the river levels being so low. Gulf County was mercifully spared the 15' to 20" of rain that her sister counties to the East received.

Late July and early August saw an increase in thunderstorm activity that produced heavy rains and frequent lighting. This increase in rainfall was in addition to what remained from Debby and many low lying areas experiencing standing water with no reported structural damage.

## Floodplain Management Plan Element Review

### A. Base Flood Elevation

Gulf County is continuing to require FEMA Flood Elevation Certificates for residential and commercial structures built in a flood zone. We are also enforcing the one foot freeboard as applicable to respective flood zones. Permits issued within the DEP CCCL are subject to additional elevation height above BFE to compensate for wave action. All building permits are subject to the flood protection regulations that are part of the 2010 Florida Building Code. Because of the flood protection associated with the 2010 Florida Building Code, the Flood Protection Ordinance will be updated and adopted in 2012. The ordinance is currently under review by the State and FEMA for technical compliance before adoption. As of August, the County has received no response from the State or FEMA and adoption is pending their response. There were no variances approved dealing with floodplain management.

### B. Flood Mapping

Beginning April 16, 2009, the County began enforcing the G map series. The G series was a partial map revision for the county that will replace the F series maps with the same panel numbers. So as of April 16, 2009, the Gulf County FIRM maps will have both F and G series maps.

The LiDAR elevation data that was mentioned in the previous progress report was given to the county and the elevation data has been used to respond to several mapping issues. The county staff continues to assist the public with their NFIP mapping and flood determination issues. With the 2011 housing financial crisis continuing into 2012, flood insurance is a major issue with homeowner mortgages.

Additional changes to the FEMA flood maps are scheduled for late 2013. The new maps will be a product of the previously mentioned LiDAR data, new riverine modeling and coastal surge modeling. What the new FIRM maps will have over the older FIRM maps is the quality of data. With the addition of LiDAR elevation data into the riverine flow models and the updated coastal surge models, elevation flood data will hard to challenge. Even though it will be difficult to dispute the new flood data, the county staff is working closely with the Northwest Florida Water Management District and the FIRM mapping contractors to provide local knowledge into the mapping process. Hopefully, the interjection of local knowledge in conjunction with the technical data will justify a more detail flood study. The funds for detail studies is very limited and any request for a detail study will be limited.

### C. Flood Protection Assistance:

The County has maintained a listing of books and pamphlets for retrofitting existing structures. The County Building Department has remained current with retrofitting issues as outlined in the action plan. FIRM Panels are available in the libraries and in the Planning Department. The Planning, GIS and Building Departments use NFIP GIS data to assist individuals in ascertaining their flood zones. An interactive GIS based flood zone mapping is available on a web site hosted by the GIS Department. As The Northwest Florida Water Management District as a cooperating Technical Partner (CTP) with FEMA also has a map portal <http://portal.nwfwmdfloodmaps.com/map.aspx?cty=gulf> that allows access to flood information.

A static PDF map is available on the Planning Department web page at [Gulf County, Florida Government](http://www.gulfcountyflorida.com).

#### D. Flood Protection Materials

Copies of various FEMA publications have been acquired and are available for public review. The County will assist the public in getting any copies they request. We have also included links to these documents on the Planning Department web page at Gulf County, Florida Government.

#### E. Flood Warning, Mitigation and Preparedness

Gulf County is very sensitive to the events that affect both coastal and inland flooding. Gulf County Emergency Management Office monitors available data and will alert the proper authorities and public of potential hazardous conditions as needed. The public with a valid 911 address can sign up for Emergency Notification at the EOC, through their web page or <http://www.gulfcounty-fl.gov/911.cfm>. Gulf County's LMS adopted in 2011 is currently under review. The Northwest Florida Water Management District has assumed some of the regulatory responsibility for stormwater permitting from DEP.

Gulf County continues to address drainage issues through culvert permitting and by maintaining ditch and swell infrastructures. The county is still considering a project that will add more culverts along CR 387 (Doc Whitfield Rd.) that will allow flood waters to disperse at several outlets instead of being directed to a single outlet. This action should help reduce the flooding impacts to the Howard Creek area. The County also completed piping another section of the Americus Avenue stormwater ditch. Even though the project faced installation issues by the contractor, the corrective installation repairs in conjunction with the project engineering appears to be functioning as designed. The County is also working on a \$300,125 grant to pipe and fill the Americus Avenue ditch outfall before it flows into Gulf waters. This should help improve discharge water quality and reduce coastal surge impacts.

The County through a CDBG grant assisted in improving the stormwater drainage issue on US 98 near Avenue A. This project has helped reduce serious road flooding from flash flooding events.

Gulf County is also working with State and Federal agencies to reduce the coastal flooding impacts to SR 30E at the Stump Hole by hardening the rock berm that protects SR 30E from the Gulf Of Mexico. The project has been funded through grants and the most recent project awarded was for Phase IV construction. The \$22 million beach re-nourishment project continues to experience erosion and has one year remaining on the bond payment by the Cape San Blas property owners through a MSTU.

The County assisted by Florida Division of Emergency Management (FDEM) is continuing to appeal the rejection by FEMA for a mitigation project to replace the lost beach due to coastal wave action. FEMA rejection was largely based on the objection by US Fish and Wildlife who used the CBRA as a reason for opposition. The County maintains that one goal of the CBRA is habitat protection which is fulfilled through beach re-nourishment by maintaining the sandy beach as a coastal habitat especially for sea turtles. Without the re-nourishment project, there would be no sandy beach for recreation and the sea turtles, etc. would lose valuable sandy beach habitat. Also, the re-nourishment project will not increase building density, another goal of the CBRA. The County is appealing the CBRA designation with applicable Federal Agencies in Washington DC. If successful, the areas within the CBRA should be able to purchase NFIP Flood Insurance that is currently unavailable due to the CBRA designation.

Any and all goals and /or projects are at the mercy of limited funding as revenue to the County has been and continues to be on yearly decline. The County utilized grants and match funding to address project priorities.

**F. Community Rating System (CRS)**

Through the determination of BOCC to enforce the regulations that govern flood protection and the daily performance of their duties by staffs of the Planning Department, Building Department, Public Works Department and Emergency Management/GIS Department, the County maintains a CRS Class 8 rating. This rating is translated into lower premium cost for flood insurance. For NFIP Flood Insurance policies within a flood zone, the reduction is 10% and for policies not in a flood zone, the reduction is 5%.

As a condition for CRS rate reductions, the local government participant is subject to a yearly recertification that must be completed and filed by October 1st of each year except for every fifth year. Every fifth year an onsite audit by an Insurance Service Office (ISO) CRS Specialist will take place to confirm all credit activities are still valid. In 2011, Gulf County was subject to and completed a fifth year recertification audit.

**G. Recommendations**

With the current local, state and national economic recession, the Floodplain Administrator recommends to the BOCC that the County Grant Department continue to seek grants to mitigate the flooding issues within the county; for the Public Works Department to continue maintaining operational projects such as culvert permitting, ditch cleaning and swale maintenance as part of flood and stormwater control; and for the Emergency Management Department, Planning Department and Building Department to continue to implement the Florida Building Code, Local Mitigation Strategy (LMS), Comprehensive Emergency Management Plan (CEMP), Land Development Regulations (LDR) and Flood Ordinance as applicable to insure the health and safety of the County from flood events through preparedness, protection and mitigation. It is also recommended that all future LMS updates follow FEMA procedures to insure the document will be accepted by FEMA/NFIP. This action is recommended because the LMS is a unique document for the State of Florida and may not met NFIP/CRS document standards.

**Additional Information**

Should the BOCC or public have any questions concerning flood plain management, please contact the Planning Department. Should your question be beyond our knowledge, we will seek outside expertise to get an answer to your question.



RICK SCOTT  
GOVERNOR

*Better Health Care for all Floridians*

ELIZABETH DUDEK  
SECRETARY

MEMORANDUM

Date: August 1, 2012  
 To: Darla Lyle, Gulf County  
 From: Tonya Kidd, Deputy Secretary of Operations  
 Subject: Medicaid County Billing Retrospective Final Certification

Pursuant to section 409.915, F.S., the Agency of Health Care Administration shall certify to each county by August 1, 2012, the amount of the billings from November 1, 2001 through April 30, 2012, that remain unpaid.

This memorandum provides the official and final certification of the outstanding retrospective billings for your county. The certification on August 1, 2012 will constitute final agency action as to all outstanding billing issues pursuant to section 409.915, F.S., for the time period of November 1, 2001 through April 30, 2012, including any adjustments for the county of residence and credits for amounts already paid. The Agency will provide spreadsheets via electronic mail next week that document the certification.

County Name: Gulf County

Total Final Certification: \$ 17,350.16

Attached is a Notice of Administrative Hearing and Mediation Rights document explaining your rights associated with this final certification.

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 REBECCA L. NORRIS  
 CLERK OF CIRCUIT COURT  
 GULF COUNTY, FLORIDA  
 2012 AUG -3 PM 12:10



RICK SCOTT  
GOVERNOR

ELIZABETH DUDEK  
SECRETARY

**NOTICE OF ADMINISTRATIVE HEARING AND MEDIATION RIGHTS**

You have the right to request an administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes. If you disagree with the facts stated in the foregoing Certification, which covers the county's billings from November 1, 2001, through April 30, 2012, you may request a formal administrative hearing pursuant to Section 120.57(1), Florida Statutes. If you do not dispute the facts stated in the Certification, but believe there are additional reasons to grant the relief you seek, you may request an informal administrative hearing pursuant to Section 120.57(2), Florida Statutes. Additionally, pursuant to Section 120.573, Florida Statutes, mediation may be available if you have chosen a formal administrative hearing, as discussed more fully below.

The written request for an administrative hearing must conform to the requirements of either Rule 28-106.201(2) or Rule 28-106.301(2), Florida Administrative Code. The request must be received by the Agency for Health Care Administration, by 5:00 P.M. no later than September 1, 2012 as required by Section 409.915, Florida Statutes. The address for filing the written request for an administrative hearing is:

**Richard J. Shoop, Esquire**  
**Agency Clerk**  
**Agency for Health Care Administration**  
**2727 Mahan Drive, Mail Stop # 3**  
**Tallahassee, Florida 32308**  
**Fax: (850) 921-0158**  
**Phone: (850) 412-3630**

The request must be legible, on 8 ½ by 11-inch white paper, and contain:

1. Your name, address, telephone number, any Agency identifying number on the Certification, if known, and name, address, and telephone number of your representative, if any;
2. An explanation of how your substantial interests will be affected by the action described in the Certification;
3. A statement of when and how you received the Certification;
4. For a request for formal hearing, a statement of all disputed issues of material fact;
5. For a request for formal hearing, a concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle you to relief;
6. For a request for formal hearing, whether you request mediation, if it is available;
7. For a request for informal hearing, what bases support an adjustment to the amount owed to the Agency; and
8. A demand for relief.

A formal hearing will be held if there are disputed issues of material fact. Additionally, mediation may be available in conjunction with a formal hearing. Mediation is a way to use a neutral third party to assist the parties in a legal or administrative proceeding to reach a settlement of their case. If you and the Agency agree to mediation, it does not mean that you give up the right to a hearing. Rather, you and the Agency will try to settle your case first with mediation.

If you request mediation, and the Agency agrees to it, you will be contacted by the Agency to set up a time for the mediation and to enter into a mediation agreement. If a mediation agreement is not reached within 10 days following the request for mediation, the matter will proceed without mediation. The mediation must be concluded within 60 days of having entered into the agreement, unless you and the Agency agree to a different time period. The mediation agreement between you and the Agency will include provisions for selecting the mediator, the allocation of costs and fees associated with the mediation, and the confidentiality of discussions and documents involved in the mediation. Mediators charge hourly fees that must be shared equally by you and the Agency.

If a written request for an administrative hearing is not timely received you will have waived your right to have the Certification reviewed pursuant to Chapter 120, Florida Statutes, and the action set forth in the Certification shall be conclusive and final.



Not happy with time  
change for fishing & drivers  
license. Atleast put a  
note on the front door  
about the different ~~hours~~  
hours for those things!

Margie Barker  
827 2566

my time is valuable too!

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REBECCA L. CARMS  
CLERK OF CIRCUIT COURT  
OF THE 11TH JUDICIAL CIRCUIT  
IN AND FOR THE COUNTY OF  
DADE, FLORIDA

2012 AUG 6 AM 10:49  
2012 AUG -6 AM 10:49

INFORMATION  
DATE 8/14/12 U



Lynn Lanier

From: jay biddle [biddle.jay@gmail.com]  
Sent: Monday, July 30, 2012 8:07 PM  
To: Gulf County Commissioner  
Subject: Neighborhood Dumping - Saint Joe Beach

Is there a solution to dissuade residents from dumping trash on adjacent property ?

I know that back in the day there used to be large item pick-up.

We take our larger trash to the land fill and Pay for weekly trash removal.

I have seen notes taped to abandoned TV's saying it's not legal to put larger trash piles on "Your" Property. The folks doing the dumping usually live across the street.

I think the Notes idea misses the point. I suspect the only way to cut down on dumping is to make the fine north of a thousand dollars and clearly defined.

The guy who owns the Gator Country house at Desoto and Alabama has a growing trash pile (across the street) that includes: A 50 inch TV, A couch, Old Screen doors, and construction debris, a couple of boxes of magazines.....

Please Advise.

Jay Biddle  
354 Desoto Street  
Port Saint Joe, 32456

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FEDERAL COURTS  
CLERK OF CIRCUIT COURT  
GULF COUNTY, FLORIDA  
2012 AUG - 8 AM 10:49

INFORMATION  
DATE 8/14/12 LL

Lynn Lanier

**From:** Jay Biddle [biddle.jay@gmail.com]  
**Sent:** Wednesday, August 01, 2012 9:22 PM  
**To:** Gulf County Commissioner  
**Subject:** Fwd: Neighborhood Dumping - Saint Joe Beach

Today the Trash is gone on Desoto Street in Saint Joe Beach. I would like to offer a sincere Thank You!

Jay Biddle  
354 Desoto Street

Begin forwarded message:

**From:** jay biddle <biddle.jay@gmail.com>  
**Date:** July 30, 2012 7:06:34 PM CDT  
**To:** Gulf County Commissioner <bocc@gulfcounty-fl.gov>  
**Subject:** Neighborhood Dumping - Saint Joe Beach

Is there a solution to dissuade residents from dumping trash on adjacent property ?

I know that back in the day there used to be large item pick-up.

We take our larger trash to the land fill and Pay for weekly trash removal.

I have seen notes taped to abandoned TV's saying it's not legal to put larger trash piles on "Your" Property. The folks doing the dumping usually live across the street.

I think the Notes idea misses the point. I suspect the only way to cut down on dumping is to make the fine north of a thousand dollars and clearly defined.

The guy who owns the Gator Country house at Desoto and Alabama has a growing trash pile (across the street) that includes: A 50 inch TV, A couch, Old Screen doors, and construction debris, a couple of boxes of magazines.....

Please Advise.

Jay Biddle  
354 Desoto Street  
Port Saint Joe, 32456

FILED FOR RECORD  
BERNARD L. MORRIS  
CLERK OF CIRCUIT COURT  
GULF COUNTY, FLORIDA  
2012 AUG - 8 AM 10:49



136 S. Bronough Street  
Tallahassee, FL 32302-3309  
Phone: (850) 521-1212  
Fax: (850) 521-1278

[www.floridachamber.com](http://www.floridachamber.com)

2012 AUG - 8 AM 10:48

FILED FOR RECORD  
REBECCA L. NORRIS  
CLERK OF CIRCUIT COURT  
GULF COUNTY, FLORIDA

July 16, 2012

Mr. Warren Yeager ✓  
Gulf County Board of County Commissioners  
1000 Cecil G. Costin, Sr. Blvd.  
Port Saint Joe, FL 32456

**Re: Florida Chamber Foundation Service**

Dear Warren:

On behalf of the entire team at the Florida Chamber of Commerce, I would like to thank you for your personal commitment in the Florida Chamber Foundation's Six Pillars Caucus System™ and for your recent contribution to the important policy conversations. The Florida Chamber team is excited to see the Caucus process working to provide policy options for consideration to the Florida Chamber's Policy Council. We are taking each concept very seriously. Florida has many challenges and opportunities and through the process of volunteer involvement, we always have new ideas and fresh perspectives.

Policy recommendations were received from the Caucus aligned to each of the Six Pillars™, with a total of 18 submissions comprised of approximately 100 contributing authors. Recommendations cover the spectrum of early learning, energy, entrepreneurial ecosystems, intermodal transportation, healthcare, civic engagement and much more.

With your commitment and expertise, we are creating a stronger bridge between the long-term vision of Florida's Future Economy and short-term advocacy to help reach our goal of securing Florida's future.

I look forward to seeing you at the Florida Chamber Foundation's Future of Florida Forum October 8-9, where your hard work and that of your Caucus teammates will be shared with other leaders of Florida's business community.

My best,

Mark Wilson  
President and CEO

/sp

P.S. Caucus members receive a discounted registration rate, so go online at [www.FLChamber.com/2012Forum](http://www.FLChamber.com/2012Forum) and register today.

FLORIDA FOREST SERVICE  
CHIPOLA FORESTRY CENTER  
(850) 872-4175  
(850) 872-4879 FAX



715 WEST 15 STREET  
PANAMA CITY, FLORIDA 32401

FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES  
COMMISSIONER ADAM H. PUTNAM

FILED FOR RECORD  
RENEE L. HOPKINS  
CLERK OF CIRCUIT COURT  
1ST JUDICIAL CIRCUIT  
2012 JUL 23 PM 1:59

Thursday, July 19, 2012

Becky Norris, Clerk of Courts  
1000 Cecil G. Costin, Sr. Blvd. Rm. 148  
Port St. Joe, FL 32456

Dear Ms. Norris:

During the 2011 and 2012 legislative sessions the Florida Legislature passed revisions to F.S. 590.02. The added section to this statute now reads:

*(10)(a) The Florida Forest Service has exclusive authority to require and issue authorizations for broadcast burning and agricultural and silvicultural pile burning. An agency, commission, department, county, municipality, or other political subdivision of the state may not adopt or enforce laws, regulations, rules, or policies pertaining to broadcast burning or agricultural and silvicultural pile burning unless an emergency order is declared in accordance with s. 252.38(3).*

Based on these changes the Florida Forest Service (FFS) is contacting all municipalities and/or jurisdictions in Florida with the intention of communicating that these changes have been implemented, and to ask that all regulations and permitting by counties or cities that pertains to open burning of any kind (with the exception of commercially permitted open burning, e.g., DEP permitted incinerators) should be discontinued as of July 1, 2012. Open burning is defined as any outdoor fire or open combustion of material that produces visible emissions. Effective July 1, 2012, the FFS is the authority to issue authorizations/permits in Florida for all open burning.

The Legislature also adopted section 10(b), this section deals with the FFS authority to delegate the open burning of yard waste and land clearing debris.

*(10)(b) The division may delegate to a county or municipality its authority, as delegated by the Department of Environmental Protection pursuant to ss. 403.061(28) and 403.081, to require and issue authorizations for the burning of yard trash and debris from land clearing operations, in accordance with s. 590.125(6).*

Any municipality that chooses to continue to permit open burning for the purpose of land clearing should contact their local Florida Forest Service (FFS) office to begin the development process for a delegation of authority from the FFS.



If you have any concerns with this change, please contact my office at 850-872-7686.  
Thank you for your attention to this matter.

Sincerely,

**Adam H. Putnam**  
**Commissioner of Agriculture**



Joseph Anderson,  
Center Manager

cc: Jim Karels, Director, FFS  
David Core, Assistant Director  
John Fish, Chief, Forest Protection Bureau  
Jeff Vowel, Chief, Operations Bureau

Rick Scott  
GOVERNOR



Hunting F. Deutsch  
EXECUTIVE DIRECTOR

**FLORIDA DEPARTMENT of  
ECONOMIC OPPORTUNITY**

August 1, 2012

The Honorable William C. Williams, III  
Chairman, Gulf County Board of County Commissioners  
1000 Cecil G. Costin Sr. Boulevard, Room 312  
Port St. Joe, Florida 32456

Re: Monitoring Report – Procurement of Administrative Services  
Contract Number: 12DB-OH-02-33-01-H04  
Florida Small Cities Community Development Block Grant (CDBG) Program

Dear Commissioner Williams:

We have conducted a desk monitoring of this project. This letter, which contains no “findings” or “concerns,” is a summary of the review and does not require a response. The following area was monitored: Procurement of Professional Services.

Procurement of CDBG-funded contracts must comply with applicable federal procurement regulations and state laws. The principal federal CDBG procurement regulation is contained in 24 CFR 85.36. Procurement of certain professional services is also subject to Section 287.055, Florida Statutes, (also known as the Consultants Competitive Negotiation Act or CCNA). Chapter 73C-23, Florida Administrative Code, also specifies some procurement procedures.

The contract with Jordan & Associates for administrative services was reviewed. The procurement process and the contract appear to comply with program requirements. There are no findings or concerns.

This letter also documents compliance with Program Condition Number 3 of your subgrant agreement. If you have any questions, please call Patrick Howard at (850) 717-8418.

Sincerely,

Roger J. Doherty, CLEP  
Planning Manager

2012 AUG -8 AM 10:19  
FILED FOR RECORD  
FEDERAL RECORDS  
CLERK OF SUPREME COURT  
GULF COUNTY FLORIDA

RJD/ph

cc: Ms. Towan Kopinsky, Gulf County Grant Writer/Coordinator  
Mr. Ronald Vanzant, President, Jordan & Associates

Florida Department of Economic Opportunity The Caldwell Building 107 E. Madison Street Tallahassee, FL 32399-4120  
866.FLA.2345 850.245.7105 850.921.3223 Fax [www.FloridaJobs.org](http://www.FloridaJobs.org) [www.twitter.com/FLDEO](http://www.twitter.com/FLDEO) [www.facebook.com/FLDEO](http://www.facebook.com/FLDEO)

An equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TDD equipment via the Florida Relay Service at 711.

DATE 8/14/12 LL

Rick Scott  
GOVERNOR



Hunting F. Deutsch  
EXECUTIVE DIRECTOR

**FLORIDA DEPARTMENT of  
ECONOMIC OPPORTUNITY**

August 1, 2012

The Honorable William C. Williams III, Chairman  
Gulf County Board of Commissioners  
1000 Cecil G. Costin, Senior Boulevard, Room 302  
Port St. Joe, Florida 32456

Re: Disaster Recovery Community Development Block Grant Program  
Gulf County Contract No.: 10DB-K4-02-33-01-K15  
Gulf County Modification Number 3-Contract Extension and Activity Work Plan  
Revisions

Dear Mr. Chairman Williams:

A review of the proposed Modification Number 03 to the subgrant agreement referenced above, transmitted from your office in a letter dated July 24, 2012, has been completed. The review indicates that the revised work activity plan and grant extension request appear to be in accordance with program requirements. An approved copy of the fully executed modification is enclosed with this letter. Please retain the modification in the official Disaster Recovery CDBG subgrant files.

If you have questions regarding this matter, please contact Enid Ehrbar, Community Assistance Consultant, at (850) 717-8446 or via e-mail at enid.ehrbar@deo.myflorida.com.

Sincerely,

Bob Dennis  
Community Program Manager

BD/ee

Enclosure

cc: Ms. Towan Kopinsky, Grant Coordinator, Gulf County  
Mr. Jeffery C. Winter, Consultant, Jordon & Associates

2012 AUG - 8 AM 10: 50  
FILED FOR RECORD  
PERSONAL FILES  
CLERK OF CIRCUIT COURT  
GULF COUNTY, FLORIDA

**MODIFICATION NUMBER THREE (3) TO SUBGRANT AGREEMENT BETWEEN  
THE DEPARTMENT OF ECONOMIC OPPORTUNITY AND  
GULF COUNTY, FLORIDA**

This Modification is made and entered into by and between the State of Florida, Department of Economic Opportunity, (“the Department”), and Gulf County, Florida, (“the Recipient”), to modify **DEO/DCA Contract Number 10DB-K4-02-33-01-K15**, award dated June 1, 2010, (“the Agreement”).

**WHEREAS**, the Department and the Recipient entered into the Agreement, pursuant to which the Department provided a subgrant of \$2,536,175.00 to the Recipient under the Community Development Block Grant – Disaster Recovery Initiative (“CDBG–DRI”) Program as set forth in the Agreement;

**WHEREAS**, the Department and the Recipient desire to modify the Agreement;

**WHEREAS**, pursuant to the provisions of Chapter 2011-142, Laws of Florida, the DCA Division of Housing and Community Development was transferred to the Department of Economic Opportunity effective October 1, 2011; and the parties wish to reflect the new name.

**NOW, THEREFORE**, in consideration of the mutual promises of the parties contained herein, the parties agree as follows:

**Reinstate Agreement**

1. The Agreement is hereby reinstated as though it had not expired.

**Extend Agreement**

2. Paragraph 3, Period of Agreement is hereby revised to reflect an ending date of October 1, 2012.

**Revise Activity Work Plan**

3. The Attachment I, Activity Work Plan section of the Agreement is hereby deleted and is replaced by the revised Attachment I, Activity Work Plan section, which is attached hereto and incorporated herein by reference.

**Revise Program Budget and Scope of Work**

4. The Attachment A, Program Budget section of the Agreement is hereby deleted and is replaced by the revised Attachment A, the Program Budget, which is attached hereto and incorporated herein by reference.

**Modification Number:** Three (3)

**DEO/DCA Contract Number:** 10DB-K4-02-33-01-K15

**Recipient:** Gulf County, Florida

**Page 2**

**Change in Participating Parties**

5. The Attachment A, Program Budget section, is hereby modified to delete all references to “N/A,” as the Participating Party, and replace them with “N/A” as the Participating Party with the understanding that the Recipient and the new Participating Party will enter into a Participating Party Agreement containing provisions and caveats that meet or exceed the conditions agreed to in the Participating Party Agreement between the Recipient and the original Participating Party.

**Inclusion of an Unmet Need as Addressed in the Original Application**

6. The Attachment A, Program Budget section of the Agreement is hereby deleted and is replaced by the revised Attachment A, the Program Budget, which is attached hereto and incorporated herein by reference.
7. The Attachment I, Activity Work Plan section of the Agreement is hereby deleted and is replaced by the revised Attachment I, Activity Work Plan section, which is attached hereto and incorporated herein by reference.

**Change in Number of Accomplishments and/or Beneficiaries**

8. The Attachment A, Program Budget section of the Agreement is hereby deleted and is replaced by the revised Attachment A, the Program Budget, which is attached hereto and incorporated herein by reference.

**Reflect Change in Agency from DCA to DEO**

9. This modification to the Subgrant Agreement hereby replaces “Department of Community Affairs” with “Department of Economic Opportunity” where appropriate in context.

**Other:** N/A

**Modification to Subgrant Agreement**

**Modification Number:** Three (3)

**DEO/DCA Contract Number:** 10DB-K4-02-33-01-K15

**Recipient:** Gulf County, Florida

**Page 3**

All provisions of the Agreement and any attachments thereto in conflict with this Modification shall be and are hereby changed to conform to this Modification, effective as of the date of the execution of this Modification by both parties.

All provisions not in conflict with this Modification remain in full force and effect, and are to be performed at the level specified in the Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this document as of the dates set herein.

**Department of Economic Opportunity**

**Recipient: Gulf County, Florida**

By: Ken Reecy

By: [Signature]

Name: Ken Reecy

Name: William C. Williams, III

Title: Assistant Director  
Division of Community Development

Title: Chairman  
Board of County Commissioners

Date: 7-31-12

Date: July 24, 2013

**ATTACHMENT I – Activity Work Plan**

**Recipient:** July 18, 2012

**Date Prepared:** July 18, 2012

**Gulf County, Florida**

**Contract Number:** \$2,536,175.00

**Project Budget:** \$2,536,175.00

**10DB-K4-02-33-01-K15**

SERVICE AREA #1						
Date Start	Date End	Describe Proposed Action to be completed by "Date End"	# Units to be completed by "Date End"	Propose \$\$ to be Requested by "Date End"	Proposed Administration to be Requested by "Date End"	
05/2010	08/2010	Prepare and Submit the Environmental Review Record (ERR) the Request for Release of Funds	-	\$0.00	\$4,000.00	
05/2010	08/2010	Prepare and Submit Copies of all Required Policies and Procedures Identified in Attachment J: Program and Special Conditions of the DEO Contract	-	\$0.00	\$0.00	
05/2010	08/2010	Procurement of Professional Services	-	\$0.00	\$0.00	
09/2010	03/2011	Advertise, Bid & Award (Contractor)	-	\$6,200.00	\$5,000.00	
04/2011	06/2011	Construction -- 30% Complete	82.5 LF	\$467,500.00	\$7,500.00	
07/2011	09/2011	Construction -- 60% Complete	82.5 LF	\$467,500.00	\$7,500.00	
10/2011	12/2011	Construction -- 90% Complete	82.5 LF	\$467,500.00	\$7,500.00	
01/2012	09/2012	Construction -- 100% Complete	77.5 LF	\$151,500.00	\$1,700.00	
09/2012	09/2012	Construction Closeout	-	\$4,000.00	\$1,700.00	
09/2012	09/2012	Submit Administrative Closeout within 45 Days of Contract Expiration	-	\$0.00	\$5,000.00	

**ATTACHMENT I – Activity Work Plan**

SERVICE AREA #2						
Date Start	Date End	Describe Proposed Action to be completed by "Date End"	# Units to be completed by "Date End"	Propose \$\$ to be Requested by "Date End"	Proposed Administration to be Requested by "Date End"	
05/2010	08/2010	Describe Proposed Action to be completed by "Date End"	-	\$0.00	\$4,000.00	
05/2010	08/2010	Prepare and Submit the Environmental Review Record (ERR) the Request for Release of Funds	-	\$0.00	\$0.00	
05/2010	08/2010	Prepare and Submit Copies of all Required Policies and Procedures Identified in Attachment J: Program and Special Conditions of the DEO Contract	-	\$0.00	\$0.00	
09/2010	12/2010	Procurement of Professional Services	-	\$17,619.75	\$0.00	
01/2011	03/2011	Surveying & Preliminary Engineering, Finalize Engineering and Permits	-	\$6,000.00	\$1,000.00	
04/2011	06/2011	Construction -- 30% Complete	1,020 LF	\$148,300.00	\$1,200.00	
07/2011	09/2011	Construction -- 60% Complete	1,020 LF	\$148,300.00	\$1,200.00	
10/2011	12/2011	Construction -- 90% Complete	1,020 LF	\$148,300.00	\$1,200.00	
01/2012	02/2012	Construction -- 100% Complete	340 LF	\$49,555.90	\$500.00	
03/2012	09/2012	Construction Closeout	-	\$3,006.75	\$0.00	
09/2012	09/2012	Submit Administrative Closeout within 45 Days of Contract Expiration	-	\$0.00	\$0.00	

**ATTACHMENT I - Activity Work Plan**

SERVICE AREA #3						
Date Start	Date End	Describe Proposed Action to be completed by "Date End"	# Units to be completed by "Date End"	Propose \$\$ to be Requested by "Date End"	Proposed Administration to be Requested by "Date End"	
05/2010	08/2010	Prepare and Submit the Environmental Review Record (ERR) the Request for Release of Funds	-	\$0.00	\$4,000.00	
05/2010	08/2010	Prepare and Submit Copies of all Required Policies and Procedures Identified in Attachment J: Program and Special Conditions of the DEO Contract	-	\$0.00	\$0.00	
05/2010	08/2010	Procurement of Professional Services	-	\$0.00	\$0.00	
09/2010	03/2011	Inspection, Contractor Pre-Bid Conference, Acceptance of Sealed Bids and Award (Contractor)	-	\$5,000.00	\$1,000.00	
04/2011	06/2011	Construction -- 30% Complete	-	\$103,500.00	\$675.00	
07/2011	09/2011	Construction -- 60% Complete	-	\$103,500.00	\$675.00	
10/2011	12/2011	Construction -- 90% Complete	-	\$103,500.00	\$675.00	
01/2012	09/2012	Construction -- 100% Complete	111 HH	\$66,392.60	\$225.00	
09/2012	09/2012	Construction Closeout	-	\$5,600.00	\$1,000.00	
09/2012	09/2012	Submit Administrative Closeout within 45 Days of Contract Expiration	-	\$0.00	\$1,150.00	



# Florida Department of Environmental Protection

Northwest District  
160 W. Government Street, Suite 308  
Pensacola, Florida 32502-5740

Rick Scott **31**  
Governor

Jennifer Carroll  
Lt. Governor

Herschel T. Vinyard Jr.  
Secretary

June 28, 2012

US Army Corps of Engineers, Mobile District  
Attn: Curtis M. Flakes - Chief, Planning and Environmental Division  
P.O. Box 2288  
Mobile, AL 36628-0001

Re: Army Corps of Engineers - Apalachicola River  
Jackson, Gadsden, Calhoun, Liberty, Gulf, and Franklin Counties,  
File Number: 07-0129424-008-EI

FILED FOR RECORD  
REGISTRAR CLERK  
2012 AUG - 8 PM 10:48  
CLERK OF SUPERIOR COURT  
STATE OF FLORIDA

Dear Mr. Flakes:

This acknowledges receipt of your application, file number referenced above, on May 29, 2012 for an Individual Environmental Resource permit and authorization to use state-owned submerged lands, pursuant to part IV, Chapter 373, Florida Statutes and Chapter 62-346, Florida Administrative Code (F.A.C.), to conduct maintenance snagging (removal or relocation of woody material) associated with the Florida portions of the Apalachicola-Chattahoochee-Flint Rivers Federal Navigation Project along River Miles 0.0 to River Mile 106.4 along the Apalachicola River, in Jackson, Gadsden, Calhoun, Liberty, Gulf, and Franklin Counties, Florida.

During the review process, some issues came to light that were not discussed during the April 27, 2012 pre-application meeting between FDEP regulatory staff and the Applicant. The issues concern the history of Army Corps projects and permit applications for similar operations in the Apalachicola River. A Notice of Denial (File No: 0129424-005-DF, attached) for a dredging and snagging permit was issued by the Department on October 11, 2005. The Department understands the current application does not include dredging, however, the concerns described in the denial relating to snagging and past restoration activities have not been adequately addressed to date. Additionally, the Corps has provided outdated or incomplete information regarding the potential impacts to Federal and state listed species. Public interest concerns such as a description of the project in relation to the current RIOP and how the project can be considered clearly in the public interest despite the issues listed in this letter have not been adequately addressed.

Therefore, a preliminary staff evaluation of your application indicates that the project cannot be recommended for approval.

INFORMATION  
DATE: 8/14/12 **31**

Our concerns are:

1. The applicant has not provided reasonable assurance that listed species and their habitats will not be adversely affected by the proposed project.
2. The applicant has not provided reasonable assurance that the restoration of the sloughs and disposal site 39 required by Wetland Resource Permit No. 0129424-001-DF will be successfully accomplished, or how this issue will be alternatively resolved. Rule 62-346.302(2), F.A.C. requires the Department to "take into consideration the applicant's violation of any Department rules adopted pursuant to Section 403.91 through 403.929, F.S., (1984 Supp.), as amended, or any Department rules adopted pursuant to Part IV, Chapter 373, F.S., relating to any other project or activity and efforts taken by the applicant to resolve these violations." Please be aware that permits authorizing the restoration work have expired, and a new permit for the work may be required.
3. The applicant has not addressed concerns related to potential impacts to existing snag habitat described in the Consolidated Notice of Permit Denial (File No. 0129424-005-DF).
4. The applicant has not provided sufficient information for the Department to evaluate the need for the proposed project in relation to the most current RIOP, current river conditions, public interest, and potential impacts to listed species and their habitats.
5. A 10-year permit, as requested by the applicant, may be inappropriate due to the Apalachicola River's status as an Outstanding Florida Water and the potential impacts to listed species and their habitats.

We suggest the project be modified to:

1. Include avoidance and minimization measures such as those recommended by the United States Fish and Wildlife Service in the attached letter dated June 25, 2012, to reduce impacts to listed species, their habitat and the waterway from proposed snagging activities. When the Section 7 consultation is complete, additional avoidance and minimization measures should be included if necessary.
2. Address concerns related to potential impacts to snag habitat described in File No. 0129424-005-DF Consolidated Notice of Permit Denial.
3. Additional modifications may be suggested after receipt of information requested in the attached Request for Additional Information.

While this is by no means a final agency action or notice of intent thereof, it does represent the staff review of your application based on a preliminary evaluation and considerable

experience in permitting matters. We are sending you this letter to allow you to consider making whatever alterations may be appropriate.

We will fully evaluate the impacts of your proposal when you submit the information requested in the attached Request for Additional Information.

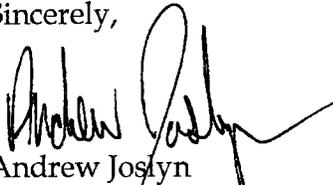
In order to review your application, we need the items listed in the enclosed Request for Additional Information (RAI) by **September 26, 2012**. If necessary, you may request an extension of up to 90 additional days. If neither the information nor a request for an extension is received by **September 26, 2012**, your application may be denied without prejudice.

The information in the attached request may require an extended amount of time to compile. The Department recommends withdrawing the application and resubmitting when all of the attached items have been addressed.

Please schedule a meeting with Department Staff to discuss this project as soon as possible, prior to submitting any additional information requested in this letter and its attachments.

We appreciate your cooperation. If you have any questions about the RAI, please contact Heather Mason at the letterhead address above, by phone at (850) 595-0608, or by e-mail at Heather.Mason@dep.state.fl.us.

Sincerely,



Andrew Jostyn  
Program Administrator  
Northwest District  
Submerged Lands & Environmental  
Resources Program

AJ:hm

Enclosures: Request for Additional Information  
Copy of File No. 0129424-005-DF Consolidated Notice of Permit Denial  
Review Comments (U.S. FWS, FFWCC)  
Letters from Interested Parties

c: Dr. Donald W. Imm, U.S. Fish and Wildlife Service  
Ted Hoehn, Florida Fish and Wildlife Conservation Commission (FFWCC)  
Bonita Gorham, FFWCC  
Steve Shea, FFWCC

Scott Sanders, FFWCC  
Manley K. Fuller, Florida Wildlife Federation  
Marilyn Blackwell, Help Save the Apalachicola River Group  
Dan Tonsmeire, Apalachicola Riverkeeper  
Janet Llewellyn, FDEP  
Tim Rach, FDEP  
Teresa Mussetto, FDEP  
Jennifer Jacobson, USACE  
Velma Diaz, USACE

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

REQUEST FOR ADDITIONAL INFORMATION

Surface Water impact/SSL REVIEW  
File No. 07-0129424-008-EI  
Army Corps of Engineers - Apalachicola River

US Army Corps of Engineers, Mobile District  
Attn: Curtis M. Flakes - Chief, Planning and Environmental Division  
P.O. Box 2288  
Mobile, AL 36628-0001

DATE RECEIVED: 05/29/2012  
DATE REVIEWED: 06/28/2012  
BY: Heather Mason

**Additional Information (not a completeness item):**

The Department has developed on-line help tools (<http://www.dep.state.fl.us/water/wetlands/erphelp/index.htm>) to assist applicants in submitting more complete applications and notices. Use of the help is voluntary. The help information is not intended to represent minimum requirements for acceptance of an application or notice by the Department, and cannot represent the full scope of information that may be needed to evaluate an application or notice, because each project, and each project location, is unique. However, the help may contain answers to questions you may have, and contains tips, guidelines, and checklists that should reduce the need for the Department to request additional information once the application or notice is submitted.

Requirements of Chapter 62-346, F.A.C., Applicant's Handbook Volume I, Chapter 18-21, F.A.C., and Part IV of Chapter 373, F.S.

The following items were either omitted or were found to be incomplete, unclear or in error in your application as submitted:

Complete Date

Item

- |   |   |    |   |
|---|---|----|---|
| [ | ] | 1. | Several comments were received regarding the dated materials on which the project request is based, specifically the 1986 |
|---|---|----|---|

Apalachicola-Chattahoochee-Flint Waterway Navigation Maintenance Plan. Currently available information indicates that the 1986 plan is outdated, and that relying on the plan may cause significant environmental damage. Please provide an analysis of possible adverse environmental impacts as well as possible adverse impacts to listed species and their habitats utilizing current or updated research and information. [Section 62-346.301, F.A.C.]

- [ ] 2. Section D, Part II, F of the application requires submittal of the results of any wildlife surveys that have been conducted on the site, and provide any comments pertaining to the project from the Florida Game and Fresh Water Fish Commission and the U.S. Fish and Wildlife Service. Minimal information was provided with the application. Please provide additional currently available information such as mussel location maps, mussel habitat maps, Gulf sturgeon holding and spawning maps, etc. [Section 62-346.301, F.A.C.]
- [ ] 3. The application indicates that the relocated snags will be placed so that as much of the snag's surface area as possible shall be placed underwater relative to the water level when the discharge from Jim Woodruff Dam is 9,300 cu. ft. per second (when the Blountstown Gage reads 2 ft.). How often do these water levels occur? Approximately how many days per year and during what months will the water reach or exceed this level (i.e. how often will the relocated snags be significantly submerged)? Please use data from the past 38 years of record and the current RIOP requirements to conduct the analysis. [Section 62-346.302, F.A.C.]
- [ ] 4. The justification for the proposed project states "Maintenance of a safe navigation channel is critical to ensuring the Corps can respond quickly should emergency situations arise at upstream projects requiring specialized equipment or parts that can only be transported by barge or boat." Please elaborate on the following: 1) What types of emergency scenarios would require transport of equipment upstream via barge? 2) How often does the Corps expect these emergencies to occur? 3) How often have such emergencies occurred in the past? Please provide examples. Was the Corps able to use the river to respond to the emergency, and if not, what was the Corps' alternate means of response? 4) What projects upstream does the Corps anticipate needing to access for emergencies? Where are they located? 5) Please explain what kind of emergency items could not be transported by other means such

as by road, rail, or air. Please describe the likelihood that these items will be needed in an emergency. [Section 62-346.302, F.A.C.]

- [ ] 5. Please explain why it is necessary to remove or relocate approximately 1,000 snags per year. How did the Corps arrive at this estimate? Comments and records indicate that this number of snags will greatly exceed the average number of snags removed in previous years. Please justify the need to relocate or remove 1,000 snags per year. Could the project objective still be met if fewer snags were removed or relocated? [Applicant's Handbook Volume I, Section 10.2.1]
- [ ] 6. Please explain what criteria will be used to determine whether or not a snag is presenting a hazard to navigation. Explain how the criteria will help prevent unnecessary snagging activities from occurring. [Applicant's Handbook Volume I, Section 10.2.1]
- [ ] 7. What is the expected fully loaded draft of barges that will be used for emergency purposes or snagging activities? Approximately how many days per year and during what months are water levels in the river adequate to allow access for these barges to the areas they will need to travel? How will the Corps gain access when water levels are too low for barge access? Will any proposed access plan be feasible considering the requirements of the current RIOP? [Section 62-346.302, F.A.C.]
- [ ] 8. How will the proposed project be funded? [Subsection 62-346.070(3), F.A.C., 62-346.301(1)(h), F.A.C, and Applicant's Handbook Volume I, Section 1.5.1]
- [ ] 9. Are all activities, including placement of relocated or removed snags, proposed to occur waterward of the mean high water line? If not, please explain what type of authorization the Corps plans to use to place snags or conduct activities on public or private riparian property? [Subsection 62-346.070(3), F.A.C.]
- [ ] 10. In the "Analysis of the expected effect of the proposed activity on the Apalachicola River system" portion of the application, the applicant states "There could be long-term beneficial impacts to create structures for habitat by relocation of the snags". Please explain how relocation of the snags provides a beneficial impact to habitat in comparison to leaving the snags where they currently lie. Please use the most current available research and information in

the discussion. [Section 62-346.302, F.A.C.]

- [ ] 11. A CD-ROM copy of 1980's and 1990's maps are referenced in the "Description of natural community within the area of influence of the proposed project - bank habitat mapping of the Apalachicola River" section of the application. The FDEP Northwest District office does not have a copy of the CD-ROM. Please provide a copy. Please also provide additional, more current maps if available, as the Apalachicola River is a dynamic system and the referenced maps may be outdated. [Section 62-346.302, F.A.C.]
- [ ] 12. The "Methods proposed to protect threatened or endangered species" section of the application states "Methods proposed to minimize and avoid adverse effects to the gulf sturgeon, fat three-ridge mussel and purple bankclimber mussel will be coordinated with U.S. Fish and Wildlife Service as it relates to the proposed removal and nearby relocation of tree snags". Please provide results of a current Section 7 consultation with the U.S. Fish and Wildlife Service pertaining to the proposed project as soon as the information becomes available. Describe any methods to protect threatened or endangered species proposed to be undertaken by the applicant as a result of the consultation. [Sections 62-346.301 and 62-346.302, F.A.C.]
- [ ] 13. In the "State-owned submerged lands" section of the application, the applicant states "The Federal position is that the Corps of Engineers does not require the state's consent for navigational uses.", then states two sentences later "Furthermore, we do not intend to submit this application for any project involving coastal navigational uses." Please clarify these statements as they relate to each other. [Chapter 18-21, F.A.C.]
- [ ] 14. What kind of advance planning will be required before undertaking snagging activities (time of year, navigation windows, etc.)? Does the applicant propose to provide advance notice that activities will be conducted to the Department, if a permit is issued? [Sections 62-346.301 and 62-346.302, F.A.C.]
- [ ] 15. Please provide documentation indicating that the Apalachicola River is still part of a Federal navigation channel. [Rule 18-21, F.A.C.]
- [ ] 16. Please explain how the proposed project will fit within the

limitations of the most current RIOP. [Section 62-346.302, F.A.C.]

- [ ] 17. Please provide a copy of the most recent draft "Annual Maintenance Report" required by Special Condition 19 of expired Permit No. 0129424-001-DF, or other snag relocation records from activities associated with Permit No. 0129424-001-DF, if available. If this documentation is not available, please explain why it is not available. [62-346.302, F.A.C.]
- [ ] 18. Please provide confirmation that your local sponsor supports this project. [Subsection 62-346.070(3), F.A.C.]
- [ ] 19. Does the applicant propose to leave all snags within the river system, or will some snags be completely removed? If some snags will be completely removed, how and where will they be disposed? [Subsection 62-346.070(3), and Sections 62-346.301 and 62-346.302, F.A.C.]
- [ ] 20. Please respond in detail to the attached letter from the U.S. Fish and Wildlife Service (dated June 25, 2012), and the Request for Additional Information from the Florida Fish and Wildlife Conservation Commission (dated June 26, 2012). Send the replies directly to the agencies and provide a copy to the Department. [Subsection 62-346.070(6), F.A.C.]
- [ ] 21. Please respond to the attached letters from the Florida Wildlife Federation (dated June 21, 2012), Help Save the Apalachicola River Group (dated June 23, 2012), and Apalachicola Riverkeeper (dated June 26, 2012). Send replies directly to the commenter and provide a copy to the Department. [Section 62-346.302, F.A.C.]
- [ ] 22. Please provide proof of publication of the Notice of Application sent to the applicant on June 4, 2012. Any comments received as a result of the publication must be sufficiently addressed before the application can be considered complete. [Section 373.413(4), F.S.]
- [ ] 23. The Apalachicola River is an Outstanding Florida Water. Please explain how the proposed project is clearly in the public interest, as required by Rule 62-346.302(1)(a), F.A.C.
- [ ] 24. Please address Paragraph 2, Page 4 of the attached Consolidated Notice of Permit Denial (File No. 0129424-005-DF) which states:

*“As a requirement of the previous permit for the Apalachicola River dredging project (Permit No. 0129424-001-DF), the USACE was required to reopen and restore 20 sloughs that had been closed off by the disposal operations. In addition, the permit required restoration of disposal site 39, which is on land owned by the Northwest Florida Water Management District (NFWMD). Only twelve slough restoration initiatives, of the required 20 slough openings, were attempted. Success has been limited due to Federal operational and maintenance restrictions, which only allow minor work within 100 feet from the navigational channel by standard equipment. Also the USACE has been unable to conduct restoration of disposal site 39 due to funding constraints.”*

What actions, if any, were taken to remedy the non-compliance issues with Permit No. 0129424-001-DF described above?  
[Subsection 62-346.302(2), F.A.C.]



## Department of Environmental Protection

Jeb Bush  
Governor

Marjory Stoneman Douglas Building  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399-3000

Colleen M. Castilla  
Secretary

In the Matter of an  
Application for Permit/Water Quality Certification,  
and Authorization to Use Sovereign Submerged Lands by:

<b>APPLICANT:</b>	<b>PROJECT NAME:</b>
Curtis M. Flakes	Apalachicola River Maintenance Dredging
Chief, Planning and Environmental Division	File No. 0129424-005-DF
U.S. Army Corps of Engineers, Mobile District	Multiple Counties
P.O. Box 2288	
Mobile, AL 36628-0001	

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### CONSOLIDATED NOTICE OF DENIAL WETLAND RESOURCE PERMIT AND AUTHORIZATION TO USE SOVEREIGN SUBMERGED LANDS

The Department of Environmental Protection gives consolidated notice of denial of:

(a) a wetland resource permit under Part IV of Chapter 373, Florida Statutes (F.S.), and Title 62, Florida Administrative Code (F.A.C.), which also constitutes denial of certification of compliance with state water quality standards pursuant to Section 401 of the Clean Water Act, 33 U.S.C. 1341; and

(b) a public easement to use sovereign submerged lands for the proposed dredged material disposal sites, under Article X, Section 11 of the Florida Constitution, Chapters 253 and 258, F.S., Title 18, F.A.C., and the policies of the Board of Trustees.

While a public easement is required for the proposed dredged material disposal sites, the Department acknowledges that maintenance dredging a federal navigation channel itself falls within one of the federal powers listed in the Submerged Lands Act under 43 USC 1311(d) or 43 USC 1314, and, under those provisions, the maintenance dredging needs no authorization from the Board of Trustees to utilize sovereignty submerged lands. However, under the provisions of the Coastal Zone Management Act (16 USC 1451-1465), both the dredging and the disposal requires Florida's concurrence with a determination of consistency with the sovereignty submerged lands provisions of Florida's approved Coastal Management program.

This consolidated denial of the wetland resource permit and the authorization to use sovereign submerged lands for dredged material disposal also constitutes a finding of

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**inconsistency** with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Zone Management Act.

This consolidated notice of denial is based on the reasons stated below.

### **I. DESCRIPTION OF THE PROPOSED ACTIVITY**

The applicant, U.S. Army Corps of Engineers (USACE), applied on March 24, 2004, to the Department of Environmental Protection (Department) for a wetland resource permit/water quality certification and authorization to use sovereign submerged lands owned by the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) to maintenance dredge the Apalachicola River navigation channel and the Chattahoochee River (Lake Seminole) navigation channel and place the dredged material in disposal sites located within the floodplain or banks of the Apalachicola River. The Apalachicola River navigation channel is 100 feet wide and 9 feet deep (plus 2 feet for overdredging) and the Chattahoochee River (Lake Seminole) navigation channel is 100 feet wide by 9 feet deep (plus 2 feet for overdredging and 2 feet for advanced maintenance). Maintenance dredging of 50-foot wideners at river bendways is also included. The excavation would produce approximately 1.1 million cubic yards of material annually. The project also includes the rehabilitation of existing training dike structures, relocation of snags within the Apalachicola River, Lake Seminole, and Chipola Cutoff and restoration of slough, spring, and other tributary openings on the Apalachicola River.

Disposal of dredged material is proposed in many locations along the 107 mile length of the Apalachicola River and includes placement in the river floodplain, the river bed, and within-bank sites.

The activity is located in and along the Apalachicola River, Chipola Cutoff and Lake Seminole, in Calhoun, Franklin, Gadsden, Gulf, Jackson, and Liberty Counties, Class III Waters and Class II Waters prohibited for shellfish harvesting, Apalachicola River Special Waters, Apalachicola Bay Aquatic Preserve and Apalachicola National Estuarine Research Reserve, Outstanding Florida Waters.

### **II. AUTHORITY FOR REVIEW**

The Department has permitting authority under Part IV of Chapter 373, F.S., and Chapter 62-312, F.A.C. The activity qualifies for processing as a wetland resource permit pursuant to Section 373.4145, F.S. The activity is not exempt from the requirement to obtain a wetland resource permit. Pursuant to Operating Agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C., the Department is responsible for reviewing this application.

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The dredged material disposal activity also requires a proprietary authorization, as it is located on sovereign submerged lands owned by the Board of Trustees. The activity is not exempt from the need to obtain a proprietary authorization. Pursuant to Article X, Section 11 of the Florida Constitution, Sections 253.002 and 253.77, F.S., Sections 18-21.0040, 18-21.0051, 18-20, and 62-312.065, F.A.C., the policies of the Board of Trustees, and the Operating Agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C., the Department has the authority to review and take final action on this request for proprietary authorization.

### **III. BACKGROUND**

Florida's Apalachicola River begins as a tailwater discharge of Jim Woodruff Lock and Dam at the border of Florida and Georgia, and meanders 107 miles south to Apalachicola Bay. The USACE began dredging of this waterway in 1957 usually at the low water periods of the year (typically May through December), when the 9 ft. channel depth is often unavailable for commercial barge traffic. Dredging of the Apalachicola River, in an attempt to maintain a 9 ft. channel, has required the disposal of over one million cubic yards per year in more than 150 locations.

The Corley Slough reach, located south of Wewahitchka and downstream of the entrance to the Chipola Cutoff, is considered one of the main limiting factors to navigation on the river. It is dredged the most frequently due to the river bends, bank erosion, diversion of water flow through Chipola Cutoff and reduction in water surface slope, which reduce the river's sediment transport capabilities. Disposal sites 39 and 40 are in the Corley Slough reach.

The Department has previously issued 5-year duration permits for maintenance of the Apalachicola River navigation channel. The permit conditions became progressively more restrictive, particularly for dredged material disposal as evidence of environmental damage became apparent. As more material accumulated in disposal sites, limitations on height, width and distance to protected areas caused capacity maximums to be reached. Monitoring efforts by the USACE, U.S. Fish and Wildlife Service, Florida Fish and Wildlife Conservation Commission, U.S. Geological Survey, and others found adverse environmental impacts from the disposal practices to aquatic habitat, fishery resources, sloughs and floodplains, as well as possible secondary alteration of river stability, particularly at bendways and problem reaches of the river. Prior cut-offs of meanders to straighten the river for navigation are among these problem reaches. River bank habitat, slough entrances and floodplain are adversely affected by within-bank disposal, which is the most common method of dredged material disposal.

The vast majority (> 90%) of the 150 dredged material disposal sites are within-bank, i.e., shoreline areas used for dredged material disposal, located below the top of the natural riverbank, to allow recapture of material by the river during periods of high water. Recapture of sand from these sites is unpredictable due to the dependence on weather and subsequent water flow. Sand

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often migrates downstream along the riverbank to the mouths of sloughs, springs, and other tributaries/distributaries of the river where it collects and creates a sill. If not removed, this eventually blocks access by recreational vessels and fish during low water conditions. Adverse impacts to the floodplain from sedimentation and altered flow through distributaries and sloughs have also become apparent. Threatened and endangered species in the floodplain, as well as listed mussels, have been adversely impacted from the dredged material disposal. The relocation and removal of tree snags, which are productive habitat for fish and macroinvertebrates, has significantly reduced the overall productivity of this lotic system.

As a requirement of the previous permit for the Apalachicola River dredging project (Permit No. 0129424-001-DF), the USACE was required to reopen and restore 20 sloughs that had been closed off by the disposal operations. In addition, the permit required restoration of disposal site 39, which is on land owned by the Northwest Florida Water Management District (NFWFMD). Only twelve slough restoration initiatives, of the required 20 slough openings, were attempted. Success has been limited due to federal operational and maintenance restrictions, which only allow minor work within 100 feet from the navigational channel by standard equipment. Also, the USACE has been unable to conduct restoration of disposal site 39 due to funding constraints.

The state agencies involved in the permit evaluation (NFWFMD, Florida Fish and Wildlife Conservation Commission (FWCC), and the Department), working as an Interagency Team with the USACE and Federal resource agencies, have attempted to find solutions to the project's disposal problems. The USACE and Tri-Rivers Waterway Development Association have held workshops to generate local interest and identify solutions. However, these efforts have not been successful in obtaining either local sponsorship or funding sources. Due to insufficient federal funding and local cost sharing, the USACE has not been able to pump sand to accessible upland disposal sites constructed outside the floodplain or to barge dredged material down the river to an upland or beach site. None of the six affected counties have been willing to provide sponsorship for the necessary rights-of-way, disposal areas or easements.

Another major issue, in addition to the environmental and hydrologic alterations of the Apalachicola River navigation channel, is the economic cost/benefit ratio of the project. The ability or necessity of maintaining a 9 ft. depth throughout the river year-round has not been proven, given the infrequent use of the entire channel by commercial vessels. On the basis of cost-per-ton mile, this waterway system is one of the most expensive maintenance operations in the country (40 to 50 times the national average). The cost of environmentally acceptable disposal options would further skew that ratio.

In addition to the difficulties in maintaining a reliable channel in an environmentally acceptable manner, the applicant's compliance with the conditions of previous permits has been problematic. These include the required restoration of sloughs, which has involved disagreement on what constitutes reestablishment of connectivity as part of the operation and maintenance

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activities. As discussed above, only twelve of the required twenty slough restorations were attempted under the previous permit, and the required restoration of the Site 39 disposal area was not accomplished.

#### **IV. REASONS FOR DENIAL**

The Apalachicola River constitutes surface waters of the state pursuant to Section 62-340.600(1), F.A.C. The Apalachicola River and associated Apalachicola National Estuary Research Reserve are designated Outstanding Florida Waters.

##### **A. Wetland Resource Permit**

The applicant has not provided reasonable assurance that the construction and operation of the activity, considering the direct, secondary and cumulative impacts, will comply with the provisions of Part IV of Chapter 373, F.S., and the rules adopted thereunder. Specifically, the activity does not meet the criteria for issuance of a wetland resource permit in Section 62-312.080 F.A.C., for the following reasons:

1. Pursuant to the requirements of Section 62-312.080(1), F.A.C., the applicant has not provided reasonable assurance that the immediate and long-term impacts of the activity will not cause violations of the water quality standards set forth in Chapters 62-4 and 62-302, F.A.C., including the antidegradation provisions of Sections 62-4.242 and 62-302.300, F.A.C. The specific water quality standards listed in Chapter 62-302, F.A.C., include:

a. *Turbidity* ( 62-302.300 and 62-4.242, F.A.C.). The applicant has not provided reasonable assurance that the activity would not cause elevation above ambient background levels of turbidity in Outstanding Florida Waters outside the federally authorized navigation project. Therefore, the activity has the potential to cause degradation of the ambient water quality of Outstanding Florida Waters, in contravention of the provisions of Sections 62-4.242, and 62-302, F.A.C.; and

b. *Biological Integrity* (Rule 62-302.530(11), 62-302.300 and 62-4.242, F.A.C.). Use of the floodplain, river bed and within-bank disposal sites, as well as the unrestricted practice of snag removal have caused (and are expected to continue to cause) unacceptable reductions in the biological integrity of the system. Therefore, the floodplain, river bed and within-bank disposal activity and the practice of snag removal will cause significant degradation of the ambient biological integrity of Outstanding Florida Waters outside the federally authorized navigation project, in contravention of the provisions of Sections 62-4.242, and 62-302, F.A.C.

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2. Pursuant to the requirements of Section 62-312.080(3), F.A.C., the applicant has not provided reasonable assurance that the dredged material disposal activities are clearly in the public interest. In determining whether a project is clearly in the public interest, the Department must consider and balance seven factors. These factors, and their evaluation are summarized below:

a. *Whether the project will adversely affect the public health, safety, or welfare or the property of others.* The disposal activities have and will continue to adversely affect the property of others, including property of the Northwest Florida Water Management District, the Florida Fish and Wildlife Conservation Commission, and non-governmental parties. Permit No. 0129424-001-DF required the restoration of Site 39, on Northwest Florida Water Management District land, where permitted boundaries were exceeded, but this restoration has not been accomplished. The effects of the disposal activities on the public health, safety and welfare are neutral;

b. *Whether the project will adversely affect the conservation of fish and wildlife, including endangered or threatened species, or their habitats.* The disposal activities have and will continue to adversely affect the conservation of fish and wildlife, including endangered or threatened species, and their habitats. Alteration of the river banks has and is expected to continue to adversely affect the following listed endangered and threatened species: Fat threeridge mussel (*Amblema neislerii*), purple bankclimber mussel (*Elliptoideus sloatianus*), shinyrayed pocketbook mussel (*Lampsyllis subangulata*), and the Gulf Sturgeon (*Acipenser oxyrinchus desotoi*). Loss of productive fish habitat by conversion to unstable, sand riverbed is evident from previous disposal activities. Severance of sloughs, tributaries, and distributaries from the main river channel, which threatens fish life cycles, has been shown to occur from the disposal activities. Removal of stabilizing and productive snag habitat from the main channel course has been shown to cause reduction of fish and wildlife habitat;

c. *Whether the project will adversely affect navigation or the flow of water or cause harmful erosion or shoaling.* The project is not needed by the State of Florida to enhance navigation. The within-bank disposal is expected to adversely affect the flow of water in the sloughs and cause harmful erosion or shoaling, and adversely affect recreational navigation in the sloughs;

d. *Whether the project will adversely affect the fishing or recreational values of freshwater or marine productivity in the vicinity of the project.* The disposal

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activities have and are expected to continue to adversely affect the fishing or recreational values and productivity in the vicinity of the disposal sites;

e. *Whether the project will be of a temporary or permanent nature.*

Damages from the previous disposal activities have not been restored, as required in the previous permit (Wetland Resource Permit No. 0129424-001-DF). The expiration date of that permit had been extended from October 21, 2004, to February 24, 2005, in order to give the USACE more time to complete the required slough restorations, but no additional restoration was accomplished during that period nor to the present time. Permit No. 0129424-001-DF has now expired, so the adverse impacts of the disposal activities may be of a permanent nature;

f. *Whether the project will adversely affect or will enhance significant historical and archaeological resources under the provisions of s. 267.061.* The State Historic Preservation Office indicated concern about potential impacts from the new project and requested a new cultural resource survey. That survey has not been conducted by the applicant, so the activity has the potential to adversely affect significant historical and archaeological resources according to Section 267.061, F.S.; and

g. *The current condition and relative value of functions being performed by areas affected by the proposed activity.* The proposed disposal activities are expected to diminish the current condition and relative value of functions being performed by the river system, including the flow of water through the river/slough system, conservation of fish and wildlife in general, the conservation of endangered or threatened species, fish and wildlife habitats, fishing, and recreational values.

3. The previous permit for the Apalachicola River dredging project (Wetland Resource Permit No. 0129424-001-DF) resulted in cumulative impacts upon wetlands and other surface waters. That permit required restoration of the project-induced impacts to sloughs in the system. Now, after Permit No. 0129424-001-DF has expired, many of those sloughs remain clogged because climatological conditions and federal restrictions (limiting the scope of restoration to 100 feet from the navigation channel) prevented the permittee from reopening the sloughs and keeping them open. In addition, the disposal of dredged material within the bank, within the channel and in the floodplain has buried riparian and wetland habitat and those impacts were never mitigated. There is also evidence that the within-bank disposal has changed the morphology of the river and thereby degraded lotic, riparian and floodplain habitat. Therefore, continuation of this project, as currently designed, is expected to contribute to unacceptable cumulative impacts upon wetlands and other surface waters, pursuant to Section 373.414(8), F.S.

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4. The proposed project would require restoration and mitigation for project impacts in order to meet the permitting criteria given above. Given the applicant's inability to conduct the restoration required under the previous permit, it is not reasonable to expect that the necessary mitigation and restoration would be completed under a new permit. This past history of non-compliance must be considered pursuant to Subsection 62-4.070(5), F.A.C.

**B. Sovereign Submerged Lands Authorization**

The request for authorization to use sovereign submerged lands for dredged material disposal sites is denied because the applicant has not met all applicable requirements for proprietary authorizations to use sovereign submerged lands, pursuant to Article X, Section 11 of the Florida Constitution, Chapters 253 and 258, F.S., associated Chapters 18-21 and 18-20, F.A.C., and the policies of the Board of Trustees. Specifically:

1. The disposal activities do not meet the intent of Rules 18-20.001 and 18-21.001, F.A.C., as demonstrated by the following sections:

a. Section 18-20.001(1) states: *All sovereignty lands within a preserve shall be managed primarily for the maintenance of essentially natural conditions, the propagation of fish and wildlife, and public recreation, including hunting and fishing where deemed appropriate by the Board, and the managing agency;*

b. Section 18-20.001(2) states: *Aquatic preserves which are described in Part II of Chapter 258, Florida Statutes, were established for the purpose of being preserved in an essentially natural or existing condition so that their aesthetic, biological and scientific values may endure for the enjoyment of future generations;*

c. Section 18-20.001(3) states, in part: *The preserves shall be administered and managed in accordance with the following goals: (e) To encourage the protection, enhancement or restoration of the biological, aesthetic, or scientific values of the preserves, including but not limited to the modification of existing manmade conditions toward their natural condition, and discourage activities which would degrade the aesthetic, biological, or scientific values, or the quality, or utility of a preserve, when reviewing applications, or when developing and implementing management plans for the preserves; (f) To preserve, promote, and utilize indigenous life forms and habitats, including but not limited to: sponges, soft coral, hard corals, submerged grasses, mangroves, salt water marshes, fresh water marshes, mud flats, estuarine, aquatic, and marine reptiles, game and non-*

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*game fish species, estuarine, aquatic and marine invertebrates, estuarine, aquatic and marine mammals, birds, shellfish and mollusks; enhance the biological, aesthetic, or scientific values of the preserves; and (h) To maintain those beneficial hydrologic and biologic functions, the benefits of which accrue to the public at large; and*

d. Section 18-21.001(4) states the intent and purpose of the Sovereignty Submerged Lands Management rule is: *To manage and provide maximum protection for all sovereignty lands, especially those important to public drinking water supply, shellfish harvesting, public recreation, and fish and wildlife propagation and management.*

2. The disposal activity is inconsistent with the management policies, standards and criteria of section 18-21.004 and 18-20.004, F.A.C. The applicant has not provided reasonable assurance that the activity will be clearly "in the public interest", including the public interest test included in Rule 18-20.004(2), or that the activity will not be contrary to the public interest in areas outside the aquatic preserve pursuant to Rule 18-21.004(1)(a). The applicant has also not provided reasonable assurance that the activity will maintain essentially natural conditions and will not cause adverse impacts to fish and wildlife resources or public recreation. In addition, the project is inconsistent with the goals and objectives of the "Conceptual State Lands Management Plan" adopted by the Board of Trustees on March 17, 1981 and as amended on March 15, 1983. Staff further finds that the applicant has not shown demonstrable environmental, social, and economic benefits which would accrue to the public at large as a result of a proposed action. There are no apparent benefits or measures to improve or enhance public access, boating and marina services, public health, safety, welfare or law enforcement, public land management, public navigation (for the State of Florida), water quality, natural habitat and functions, or endangered/threatened/unique species. However, the apparent costs include reduced/degraded water quality, reduced/degraded natural habitat and function, destruction and harm of endangered or threatened species and habitat, preemption of public use through the blockage of sloughs, reduced/degraded aesthetics, and adverse cumulative impacts. Subsection 18-20.004(3)(d) also states: *...Spoil disposal within the preserves shall be strongly discouraged and may be approved only where the applicant has demonstrated that there is no other reasonable alternative and that activity may be beneficial to, or at a minimum, not harmful to the quality and utility of the preserve.*

3. The disposal activities are inconsistent with Subsection 18-21.004(2)(i), which states: *Activities on sovereignty lands shall be designed to minimize or eliminate adverse impacts on fish and wildlife habitat, and other natural or cultural resources. Special attention and consideration shall be given to endangered and threatened species habitat.*

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4. As explained in the regulatory section above, the disposal activities will result in unacceptable cumulative impacts pursuant to Rule 18-20.006, F.A.C.
5. The authorization to use sovereign submerged lands cannot be approved, in accordance with Sections 18-21.00401 and 62-312.065, F.A.C., because the disposal activities do not meet the criteria for issuance of a Wetland Resource Permit.

**C. Coastal Zone Consistency**

Based on the above, the Department has determined that the activity is inconsistent with Florida's Coastal Management Program (FCMP), as required by Section 307 of the Coastal Zone Management Act. Pursuant to Section 380.23, F.S., the Department may not issue a permit for an activity found to be inconsistent with the FCMP. The Department has recommended project design modifications which would bring the project into compliance with the Department's statutory authority under the FCMP (see below). However, the applicant has not modified the application in accordance with those recommendations.

**V. PROPOSED CHANGES**

The Department has determined that the following changes to the project may enable the Department to grant a consolidated permit and authorization to use sovereign submerged lands:

1. Provide reasonable assurances that the restoration of the sloughs and disposal site 39 required by Wetland Resource Permit No. 0129424-001-DF will be successfully accomplished, including documented federal authority and funding to conduct the work, and a schedule for timely completion of the work.
2. Eliminate the harmful practices of within-bank disposal and the continued use of disposal sites located within the river and floodplain. These disposal sites could be replaced with upland disposal sites or barging the material out of the river system.
3. Reduce the practice of snag removal to minimize the loss and degradation of habitat.

Modification of the project as specified above may enable the Department to grant a consolidated permit and authorization to use sovereign submerged lands.

**VI. COMMENTS FROM AFFECTED PARTIES**

A Notice of Application for this project was published in multiple local newspapers on April 14 and 15, 2004. The Department has received comments from the public, environmental

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File No. 0129424-005-DF, Multiple Counties  
Apalachicola River Maintenance Dredging  
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organizations and state agencies expressing concerns or objections about the project. These commenting entities include the Florida Fish and Wildlife Conservation Commission, Northwest Florida Water Management District, American Rivers, Apalachicola Riverkeeper, The Nature Conservancy, Florida Wildlife Federation, Help Save the Apalachicola River Group and the U.S. Fish & Wildlife Service. Also, on June 12, 2002, the Governor and Cabinet of the State of Florida passed a resolution recommending that Congress halt the dredging on the Apalachicola River.

### **VII. RIGHTS OF AFFECTED PARTIES**

This notice of denial is final agency action unless a sufficient petition for an administrative hearing is timely filed pursuant to Sections 120.569 and 120.57, Florida Statutes, as provided below. Mediation under Section 120.573, F.S., is not available for this proceeding.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Because the administrative hearing process is designed to redetermine final agency action on the application, the filing of a petition for an administrative hearing may result in granting the application. If a sufficient petition for an administrative hearing or request for an extension of time to file a petition is timely filed, this denial automatically becomes only proposed agency action on the application subject to the result of the administrative review process.

Under Rule 62-110.106(4) of the Florida Administrative Code, a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

A person subject to regulation has a right to apply for a variance from or waiver of the requirements of particular rules, on certain conditions, under Section 120.542, F.S. The relief provided by Section 120.542, F.S., applies only to regulatory rules. It does not apply to proprietary rules of the Board of Trustees of the Internal Improvement Trust Fund. Nor does it apply to statutes or federal regulatory requirements. Applying for a variance or waiver does not

**Consolidated Notice of Permit Denial**  
**File No. 0129424-005-DF, Multiple Counties**  
**Apalachicola River Maintenance Dredging**  
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substitute or extend the time for filing a petition for an administrative hearing or exercising any other right that a person may have in relation to the Department's action or proposed action.

The application for a variance or waiver is made by filing a petition with the Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000. The petition must specify the following information:

- (a) The name, address, telephone number, and any facsimile number of the petitioner;
- (b) The name, address, and telephone number, and any facsimile number of the attorney or qualified representative of the petitioner, if any;
- (c) The applicable rule or portion of a rule from which a variance or waiver is requested;
- (d) The citation to the statute underlying (implemented by) the rule identified in (c) above;
- (e) The type of action requested;
- (f) The specific facts that demonstrate a financial hardship or a violation of principles of fairness that would justify a variance or waiver for the petitioner;
- (g) The reason why the variance or waiver would serve the purposes of the underlying statute (implemented by the rule); and
- (h) A statement whether the variance or waiver is permanent or temporary and, if temporary, a statement of the dates showing the duration of the variance or waiver requested.

The Department will grant a variance or waiver when the petition demonstrates both that the application of the rule would create a substantial hardship or violate principles of fairness, as each of those terms is defined in Section 120.542(2), F.S., and that the purpose of the underlying statute will be or has been achieved by other means by the petitioner.

In the event that a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Any intervention will be only at the discretion of the presiding judge upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first.

**Consolidated Notice of Permit Denial  
File No. 0129424-005-DF, Multiple Counties  
Apalachicola River Maintenance Dredging  
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Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication.

The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that right. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding judge upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action; including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C. Under Sections 120.569(2)(c) and (d), F.S., a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This action is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above. Upon the timely filing of a petition this order will not be effective until further order of the Department.

**Consolidated Notice of Permit Denial  
File No. 0129424-005-DF, Multiple Counties  
Apalachicola River Maintenance Dredging  
Page 14 of 15**

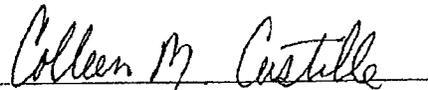
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This notice of denial constitutes an order of the Department. The applicant has the right to seek judicial review of the order under Section 120.68, F.S., by the filing of a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the final order is filed with the Clerk of the Department.

A copy of this Notice of Permit Denial and inconsistency with the Florida Coastal Management Program has been sent to the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Management. The U.S. Army Corps of Engineers (USACE) is advised that if the USACE contends that the proposed action meets the consistent to the maximum extent practicable standard described in 15 C.F.R. 930.32, the state must be provided with a written description of the legal impediments to full consistency with the enforceable policies included in the Florida Coastal Management Program. The Corps is further advised that in accordance with 15 C.F.R. 930.44, mediation by the Secretary of the U.S. Department of Commerce or the National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Management may be sought pursuant to 15 CFR 930, subpart G, for serious disagreements between a state and a Federal agency with regard to direct federal action as contemplated by 15 CFR 930, subpart C.

Executed in Tallahassee, Florida.

STATE OF FLORIDA, DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



Colleen M. Castille  
Secretary

Copies furnished to:

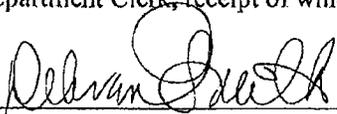
Connie Lasher, DEP, Northeast District, SLER  
Mark Miller, DEP, Office of General Counsel  
Carol Knox, FWCC, Imperiled Species Management Section  
Tara Alford, FWCC-Division of Law Enforcement  
Ted Hoehn, FWCC

**Consolidated Notice of Permit Denial**  
**File No. 0129424-005-DF, Multiple Counties**  
**Apalachicola River Maintenance Dredging**  
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Charles Mesing, FWCC  
 Ken Haddad, Executive Director, FWCC  
 Terry Jangula, U. S. Army Corps of Engineers, Panama City, FL  
 Joanne Brandt, U.S. Army Corps of Engineers, Mobile, AL  
 Dan Tonsmeire, Apalachicola Riverkeeper  
 Melissa Samet, American Rivers  
 Graham Lewis, Northwest Florida Water Management District  
 Victoria Tschinkel, The Nature Conservancy  
 Manley Fuller, Florida Wildlife Federation  
 Seth Blicht, Apalachicola Estuary National Research Reserve  
 Rebecca Martin, Tri-Rivers Waterway Development Assoc.  
 Marilyn Blackwell, Help Save the Apalachicola River Group  
 Mary Ann Poole, Director, Office of Policy and Stakeholder Coordination, FWCC  
 Katherine Andrews, DEP, Coastal and Aquatic Managed Areas  
 Timothy Breault, Director, Division of Habitat and Species Conservation, FWCC  
 Helen Light, U.S. Geological Survey  
 Mark Thompson, NOAA  
 Jerry Ziewitz, U.S. Fish and Wildlife Service  
 Director, OCRM, Silver Spring, MD  
 Chief, NP&ED, Silver Spring, MD  
 Director, FCMP, DCA  
 U.S. Coast Guard  
 Federal Energy Regulatory Commission  
 BBCS Permit Information Center  
 BBCS File

**FILING AND ACKNOWLEDGMENT**

FILED, on this date, pursuant to Section 120.52, Florida Statutes, with the designated  
 Department Clerk, receipt of which is hereby acknowledged.

  
 Deputy Clerk

10.11.05  
 Date



IN REPLY REFER TO:

## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

Field Office  
 1601 Balboa Avenue  
 Panama City, FL 32405-3721  
 Tel: (850) 769-0552  
 Fax: (850) 763-2177

June 25, 2012

# RECEIVED

JUN 27 2012

NORTHWEST FLORIDA  
 DEP

Ms. Heather Mason  
 Environmental Specialist  
 Florida Department of Environmental Protection  
 Submerged Lands and Environmental Resources Program  
 160 W Government Street, Suite 308  
 Pensacola, FL 32502

Re: Apalachicola River Snagging  
 File No. 07-0129424-008-EI,  
 Application number: 129424-  
 008, U.S. Army Corps of  
 Engineers, Multi-County, Florida

Dear Ms. Mason:

The purpose of this letter is to provide comments on the U.S. Army Corps of Engineers' (Corps) application for an Environmental Resource Permit (ERP) for maintenance snagging (i.e., removal and relocation of woody material) in the main channel of the Apalachicola River from the river mouth to the dam and in the Chipola Cutoff. The area proposed for snagging activities is designated critical habitat for several species protected under the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*). The entire main channel is designated as critical habitat for the federally threatened Gulf sturgeon. The Chipola Cutoff and the Apalachicola River main channel from the dam downstream to river mile 15.3 are designated as critical habitat for the federally endangered fat threeridge mussel and federally threatened purple bankclimber mussel. These three species occur throughout their critical habitat, but the Gulf sturgeon uses the river seasonally as spawning and resting grounds from the spring through fall. The federally threatened Chipola slabshell mussel also occurs in the Chipola Cutoff, and it was recently documented in the Apalachicola River main channel in the vicinity of the Chipola Cutoff. We are providing this information to you because the Corps' supporting documentation did not include reference to the mussel critical habitat or the presence of the Chipola slabshell.

Because of the presence of these protected species and critical habitat, the Corps is required to consult with the U.S. Fish and Wildlife Service (Service) per section 7 of the Act prior to any snagging activities. The Service and the Corps have discussed this project and potential ways to avoid and minimize harm to federally-protected species. In addition, we also provide these recommendations to you for consideration in your evaluation of the Corps' ERP permit

application. These recommendations are non-regulatory, nor are they binding terms of a permit, but rather are conservation considerations that the Service finds important to maintaining ecological integrity.

Large woody material (including snags) is essential to ecological function in coastal plain rivers and streams by providing habitat diversity and stability, shaping stream morphology, and providing erosion control and flood attenuation (Ray, 1999; Shields et al., 2004; and Diehl, 1994). The removal of woody material by anthropogenic practices, such as snagging for navigation, has impacted streams and rivers through changes in sediment transport and stream morphology, erosion of banks and bars, water quality impacts, and the loss of habitat structure and species diversity (Diehl, 1994; Downs & Simon, 2001; Gippel, 1995; Shields et al., 2004; Wallerstein & Thorn, 2004).

Within the navigational channel in the Apalachicola River, we have recently documented fat threeridge and purple bankclimber mussels in deepwater habitat associated with woody material, likely due to the stable substrate provided by the snags. We are concerned that removing woody material from the navigation channel (especially material embedded in the substrate) may impact mussels directly during removal or indirectly through destabilizing the substrate. Mussels also occur outside the navigational channel along or near stream banks. We are also concerned that relocation of snags into areas with mussels may result in direct impacts during wood placement or indirect impacts through modification of flow and substrate. Snagging activities occurring from spring through fall could also directly impact Gulf sturgeon during removal and replacement, and indirect impacts may result year-round as altered channel morphology may result in the loss of sturgeon spawning and resting habitat.

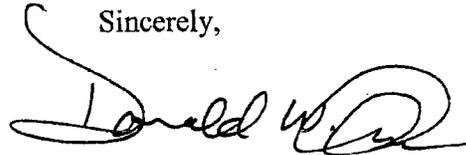
Because of the documented importance of woody material in rivers and streams, the Service recommends the following measures be implemented if a permit is granted. Many of these recommendations are modified from the recently recommended Best Management Practices for Florida sandbed streams (Cathey et al 2011):

1. Because woody material may change position under various flows, survey wood in the navigational channel immediately prior to snagging activities and identify snags that may be impeding navigation. If high flow events sufficient to transport snags occur between surveys and snagging activities, individual snags should be re-surveyed to ensure they continue to impede navigation
2. Only conduct snagging activities on snags that impede navigation; leave all other woody material (submerged, benthic, and/or embedded) in the navigational channel in place. Snags that are not an immediate navigational hazard should not be relocated or removed. Portions of this material that do present a hazard may be cut or topped without disturbing the substrate. If cutting the snag below the water line is not possible and the snag is providing important ecological function, then consider the use of navigational signage to mark the snag as a hazard instead of removal. If the Corps determines that is not possible, then mussel surveys around the woody material should be conducted to determine potential impacts.

3. Avoid removing snags within a minimum buffer distance of 25 feet from the river bank. This will minimize disturbance of woody material that is embedded in the river banks or otherwise functioning to maintain bank stability. If the Corps determines that is not possible, then mussel surveys around the woody material should be conducted to determine potential impacts. Placement of relocated snags from other areas into the 25 ft buffer may be beneficial in some areas where erosion is occurring.
4. Snags or large woody material that must be removed from the navigational channel should be placed outside the navigational channel but within the wetted width of the river at the minimum 5,000 cfs flow or next higher flow that is practicable. Placement of woody material should not occur in areas that currently support mussels unless it can be assured that flow and sediment transport will not be impacted in these locations. Surveys may be necessary in areas not known to support mussels prior to placement.
5. Snagging activities should be avoided from March-May to avoid potential impacts to sturgeon spawning. This recommendation is consistent with condition 16 of the Corps previous Wetland Resource Permit/State Water Quality Certification (#0129424-001-DF), which prohibited dredging during a Gulf sturgeon spawning window. In addition, snagging activities in known sturgeon holding areas (4-5 locations) should be avoided from March-November when Gulf sturgeon are present in the river. If the Corps determines that is not possible, then sturgeon surveys around the woody material should be conducted to determine potential impacts.
6. The Corps' should provide a clear explanation for the minimum depth required to maintain the channel for "emergency navigation" situations and also provide the range of flows when emergency navigation would be expected to occur.

The Service believes these measures will minimize the impacts to federally protected species and their designated critical habitat in the Apalachicola River. We will continue to coordinate with you, the Corps, and the Florida Fish and Wildlife Conservation Commission on this project in the future. Thank you for the opportunity to provide comments. If you have additional questions, please contact Karen Herrington at extension 250.

Sincerely,



Dr. Donald W. Imm  
Project Leader

cc:

Nick Wiley, FFWCC, Tallahassee, FL  
Mollie Palmer, DEP, Tallahassee, FL  
Janet Llewellyn, DEP, Tallahassee, FL  
Ted Hoehn, FFWCC, Tallahassee, FL  
Brian Zettle, Corps, Mobile, AL

## Literature Cited:

- Cathey, A., A. Cameron, H. Hall, S. Blair, T. T. Ankersen. 2011. Large Woody Material: Science, Policy, and Best Management Practices for Florida Sandbed Streams. UF Law Conservation Clinic, Gainesville, FL.
- Diehl, T.H. 1994. Causes and effects of valley plugs in West Tennessee. In: M.J. Sale and R.O. Wadlington, Editors, Symposium on Responses to Changing Multiple-Use Demands: New Directions for Water Resources Planning and Management, Nashville, Tenn., April 17-20, Proceedings of Extended Abstracts, American Water Resources Association, Middleburg, VA (1994), pp. 97-100.
- Downs, P.W. and A. Simon. 2001. Fluvial geomorphological analysis of the recruitment of large woody debris in the Yalobusha River network, Central Mississippi, USA. *Geomorphology*. 37:65-91.
- Gippel C.J., I.C. O'Neill, B.L. Finlayson, I. Schnatz. 1996. Hydraulic guidelines for the re-introduction and management of large woody debris in lowland rivers. *Regulated Rivers: Research & Management* 12: 223-236.
- Ray, D. 1999. Ecological and morphological significance of old growth deadhead logs in The Blackwater River. Florida Department of Environmental Protection, NWD Unpublished Report.
- Shields, F.D., N. Morin, C.M. Cooper. 2004. Large woody debris structures for sand-bed channels. *J. Hydraul. Eng.* 130, 208-217.
- Wallerstein and Thorn. 2004. Influence of large woody debris on morphological evolution of incised, sand-bed channels. *Geomorphology*. 57(1-2):53-73.



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MyFWC.com

June 26, 2012

Ms. Heather Mason  
Environmental Specialist  
Florida Department of Environmental Protection  
Submerged Lands and Environmental Resources Program  
160 W. Government Street, Suite 308  
Pensacola, FL 32502  
[Heather.mason@dep.state.fl.us](mailto:Heather.mason@dep.state.fl.us)

**RECEIVED**  
JUN 27 2012  
NORTHWEST FLORIDA  
DEP

RE: Apalachicola River Snagging File No. 07-0129424-008-EL, Application number: 129424-008, Request for Additional Information, U.S. Army Corps of Engineers, Multi-County, Florida

Dear Ms. Mason:

Florida Fish and Wildlife Conservation Commission (FWC) staff has reviewed the above-referenced Environmental Resource Permit (ERP) application in accordance with the Coastal Zone Management Act/Florida Coastal Management Program. Based on our review, the FWC provides the following Request for Additional Information in order to reach our final consistency determination.

**Proposed Action**

The U.S. Army Corps of Engineers (USACE) proposes to re-initiate the maintenance snagging (relocation and removal of tree snags) that may be hazardous to navigation on the Apalachicola River from River Mile 0.0 to River Mile 106.4. The USACE is seeking a water quality certification and an ERP for the proposed action for a 10-year period. The Apalachicola River is designated an Outstanding Florida Water (OFW). The USACE cites the 1986 *Apalachicola-Chattahoochee-Flint Waterway Navigation Maintenance Plan (NMP)* which indicates that snagging operations constitute "Category 1" activities that require no further study and would not result in further environmental degradation. The USACE indicates that all work would be conducted in accordance with previous conditions of past Florida Department of Environmental Protection (DEP) permits and their subsequent modifications related to the operation and maintenance of the federal navigation project. The last approved permit conditions were part of the DEP permit which was issued in 1999 and expired in 2004. The USACE's justification for the proposed action is "maintenance of a safe navigation channel is critical to ensuring that the USACE can respond quickly should emergency situations arise at upstream projects requiring specialized equipment or parts that can only be transported by barge or boat."

The USACE proposes two methods of managing snag habitat on the Apalachicola River. The primary and preferred method uses a barge-mounted crane to grasp the snag and move it out of the channel or remove it completely. The second alternative method uses an excavator with a tree shear to cut the snag from the bank, leaving its roots, and drop it to the bottom of the channel or remove it from the channel. Snags moved from the channel would be relocated along the shallow river banks with branches or roots in the water. These would be placed in areas where flows are above 9,300 cubic feet per second

(cfs), a Blountstown gage of 2.0, or to remove completely if necessary. The USACE is requesting approval for removal or relocation of an estimated 1,000 snags annually.

### Comments and Recommendations

In order to accurately assess potential fish and wildlife resource impacts of the proposed project, we request the following additional information from the USACE regarding this application:

DEP issued a Consolidated Notice of Permit Denial on 10/11/05 for the last USACE permit application as it relates to maintenance dredging and operational activities on the Apalachicola River, (File No. 0129424-005-DF found at: [http://bcs.dep.state.fl.us/env-prmt/multiple/expired/0129424\\_Apalachicola\\_River\\_Maintenance\\_Dredging/005-DF/Denial/](http://bcs.dep.state.fl.us/env-prmt/multiple/expired/0129424_Apalachicola_River_Maintenance_Dredging/005-DF/Denial/)). Reasons contained in the letter specifically identified the detrimental effects of snag removal and removal of productive snag habitat on fish and wildlife habitat, including state- and federally listed species, and are contained in Section IV.A.1.b. (*Biological Integrity*), Section IV.A.2.b. (*Whether the project will adversely affect the conservation of fish and wildlife, including endangered or threatened species, or their habitats*), Section IV.A.1.g. (*The current condition and relative value of functions being performed by areas affected by the proposed activity*), and Section IV.A.4 (mitigation). The current application contains much of the same information with minor updates to the listed mussel descriptions. The sections identified above and the requested analyses are directly applicable to the current permit application. In Section IV.A.4 of the previously referenced Notice of Denial, commenting agencies specifically requested information related to the need to address restoration and mitigation for project impacts, which included the loss of productive aquatic habitats that support listed species, fishing and recreation, as well as information related to bank stabilization along Apalachicola River. In order to determine the degree to which the proposed activities will impact fish and wildlife resources, we reiterate the need for USACE to fully address the deficiencies as noted in the 10/11/05 Notice of Denial and to provide a more detailed analyses and mitigation plans pertaining to these specific concerns.

The ERP application, Section II, Environmental Considerations, Part F requires that results of any wildlife surveys conducted on the site be submitted with the application and for the applicant to provide any comments pertaining to the project from the FWC and the U.S. Fish and Wildlife Service (USFWS). The USACE provides a partial list of the listed species that occur in the Apalachicola River. Additional state- or federally listed mussel and turtle species that could be affected by the project include the Chipola slabshell [*Elliptio chipolaensis*, Federally Threatened (FT)], alligator snapping turtle [*Macrochelys temminckii*, Species of Special Concern (SSC)], Barbour's map turtle (*Graptemys barbouri*, SSC) and the Suwannee cooter (*Pseudemys suwanniensis*, SSC). We request that these species be added to the list of potentially affected species and impacts evaluated as part of this application. Additionally, the entire Apalachicola River and the Chipola River/cutoff has been designated as critical habitat for the Gulf sturgeon, Chipola slabshell, fat three-ridge (*Amblema neislerii* – Federally Endangered) and the purple bankclimber (*Elliptoideus sloatianus* – FT). The application does not include federally designated critical habitat; therefore, we request the applicant update these critical habitat designations and assess the project's potential impacts on these species.

The FWC, USFWS and USACE's contractor, Dr. Michael Gangloff, have been mapping and documenting listed mussel bank habitat and mussel occurrence locations over the past several years. New survey information assembled by Dr. Gangloff and the USFWS includes maps containing the location of deeper water habitats occupied by the listed mussel species, some of which is located near submerged large woody material. These maps and mussel locations were not included in the application package but are critical to identifying areas where snag habitat removal and placement could adversely affect these listed mussels; therefore, we request this information be included with the application as well as an assessment of the proposed snag removal and/or relocation activities on these documented locations of mussel bank habitat.

The USACE's request for a permit for removal or relocation of an estimated 1,000 snags annually substantially exceeds the numbers of snags relocated from 1990- 2004. The highest number of snags relocated during 1990-2004 was in 1998 with 395 snags relocated. The 15-year average is 137 snags relocated per year. The request to remove 1,000 snags annually could have substantially greater fish and wildlife resource impacts within this OFW than allowed by permits issued since the mid-1980's. We request that there be an analysis and explanation of the decline in snagging from 1990 to 2004 and a justification as to why substantially more per annum are being requested for removal than in the 1990-2004 average. The USACE has indicated that snags will be relocated to areas where flows are at or below 9,300 cfs. In order to determine if this flow value is still applicable under current operations, we request the daily time series data, an estimate of how many days in a given year, and during which months flows are predicted to be below 9,300 cfs, This should be based upon the past 38 years of record and current Revised Interim Operations Plan (RIOP) requirements.

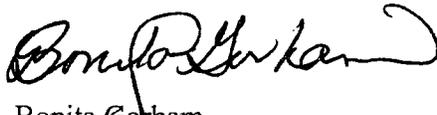
The USACE cites the 1986 NMP as partial justification to conduct this project and also provides the same conditions from past DEP permits for operation and maintenance as further project justification; however, these conditions were previously denied by DEP. The DEP Notice of Denial (letter dated 10/11/05) and current available information indicates significant environmental problems with the NMP and its assumptions. These included activities related to snagging operations in addition to other activities conducted under past DEP permits. Without major modifications and multi-state and federal agency approval, the 1986 NMP should not serve as a reasonable justification or assessment of environmental impacts for this proposed project. We request the USACE provide further explanation on how the same proposed snag habitat removal and relocation methods or actions will now have a minimal impact upon the fish and wildlife resources and bank habitat of the Apalachicola River.

The USACE indicates that this project is needed so that they can respond quickly when emergency situations arise upstream. Given the current channel control point depths and a reduced 7-foot depth requirement for limited light loaded commercial barge traffic and the typical "snag boat," flows in excess of 15,000 cfs would be necessary for upstream or downstream navigation from the Jim Woodruff Lock and Dam to the Apalachicola Bay. Preliminary analyses suggest that any emergency barge traffic from May through November requires significant supplemental flow and draining of upstream reservoirs, and thus further reduces inflows to the Apalachicola River during subsequent months. Furthermore, the RIOP significantly reduces flow into the Apalachicola River based upon

current upstream reservoir conditions; however, without increased flows during summer and fall months, snagging operations and any commercial barge navigation cannot occur. FWC requests that the USACE provide the daily time series data, an estimate of the number days in a given year and months in which they predict there would be adequate flow to permit navigation and snagging operations, without dredging. This should be based upon the past 38 years of record and current RIOP requirements.

We would appreciate the opportunity to review this project again once the ERP application is complete and at that time will make our recommendation of consistency with our authorities under Chapter 379, Florida Statutes. If you need further assistance, please do not hesitate to contact Jane Chabre either by phone at (850) 410-5367 or at [FWCConservationPlanningServices@MyFWC.com](mailto:FWCConservationPlanningServices@MyFWC.com). If you have specific technical questions regarding the content of this letter, please contact Theodore Hoehn at 850-488-8792 or by email at [ted.hoehn@myfwc.com](mailto:ted.hoehn@myfwc.com).

Sincerely,



Bonita Gorham  
Land Use Planning Program Administrator  
Office of Conservation Planning Services

bg/th

Apalachicola River Maintenance Snagging\_16344\_062612  
ENV 1-5-2

cc: Curtis Flakes, COE, Mobile, [CESAM-PD@sam.usace.army.mil](mailto:CESAM-PD@sam.usace.army.mil)  
Don Imm, USFWS, Panama City, [donald\\_imm@fws.gov](mailto:donald_imm@fws.gov)

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JUN 26 2012

NORTHWEST FLORIDA  
DEP



## FLORIDA WILDLIFE FEDERATION

*Affiliated With National Wildlife Federation*

Manley K. Fuller, III, President  
2545 Blairstone Pines Drive, Tallahassee, FL 32301  
Post Office Box 6870, Tallahassee, FL 32314-6870

Phone: (850) 656-7113  
Fax: (850) 942-4431  
website: [www.fwfonline.org](http://www.fwfonline.org)

June 21, 2012

Ms. Heather Mason  
Environmental Specialist  
Florida Department of Environmental Protection  
Submerged Lands and Environmental Resources Program  
160 W Government Street, Suite 308  
Pensacola, FL 32502

RE: Maintenance Snagging of the Apalachicola River portion of the Apalachicola-Chattahoochee-Flint Rivers (ACF) Federal Navigation Project. File No. 07-0129424-008-EI, Application number: 129424-008. U.S. Army Corps of Engineers. Jackson, Gadsden, Calhoun, Liberty, Gulf, and Franklin counties, Florida.

Dear Ms. Mason,

The Florida Wildlife Federation has reviewed the application by the U.S. Army Corps of Engineers (Corps) for a proposed 10-year Environmental Resource Permit (ERP) and water quality certification for the maintenance snagging on the Apalachicola River from River Mile 0.0 to River Mile 106.4.

The Corps indicates that this project is needed so that they can respond quickly should emergency situations arise upstream. However, based upon the draft 2010 Water Control Plan Scoping Report and historical flow records, navigation will only occur if there is adequate water in the system which typically occurs only in the late winter and spring. Currently flows close to 19,000 cfs at the Chattahoochee gage are required to provide a channel depth adequate for commercial interests. These "high" flows have not reached this level for several years for any length of time. In order for the Corps to provide adequate water depth in an "emergency situation", the upstream reservoirs would be significantly depleted for the short window for navigation. Such depletion of upstream reservoir storage would likely result in triggering reduced flows into the Apalachicola River based upon the May 2012 Revised Interim Operations Plan (RIOP). Artificially reduced flows would have a significant effect upon the threatened and endangered species, other fish and wildlife and their habitat, floodplain forests, and the Apalachicola Bay. Should the Corps attempt to employ "navigation windows," as were conducted previously in the 1980s and 90s, major impacts to the spawning and survival of fishery resources in the Apalachicola River are likely to occur as previously documented by the Florida Fish and Wildlife Conservation Commission (FWC). Navigation windows would likely

result in an increased mortality of the federally endangered fat three-ridge mussel (*Amblema neislerii*). Therefore, the Corps' justification for this project based upon a hypothetical emergency situation is clearly contrary to its own documentation and operations and clearly not in the public interest of the State of Florida or the upstream States of Alabama and Georgia.

Commercial navigation on the ACF system has effectively ceased since dredging ended during the droughts of 2000. Previously, commercial navigation was extremely limited and the ACF was the most expensive waterway to maintain in the US, according to the Congressional Budget Office. Recreational boaters do not need a congressionally authorized and maintained navigation channel. Most recreational boaters are able to easily avoid obstacles and navigate even at the extreme low flows that the Apalachicola River has been experiencing.

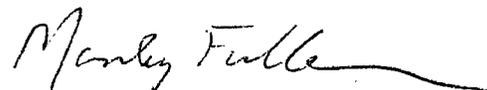
The Corps has provided minimal information and supporting information to justify or provide reasonable assurance that the proposed project will not impact the fish and wildlife resources of the Apalachicola River as well as comply with State ERP and Sovereign lands permitting requirements. The Corps relies on the outdated 1986 *Apalachicola-Chattahoochee-Flint Waterway Navigation Maintenance Plan* (NMP) and past permits as their supporting information. The Florida Department of Environmental Protection (DEP), with the expertise and support of the FWC, Northwest Florida Water Management District (NFWFMD), and the environmental community, denied the Corps last permit application in 2005 for dredging, disposal and snagging operations (see attached letter). The reasons for the denial clearly showed that the assumptions of past permits and the NMP were in fact detrimental to the resources of the Apalachicola River. Information over the past six years, compiled by the FWC and the U.S. Fish and Wildlife Service (USFWS), has increased our knowledge of the life history requirements of several listed species and their occurrence locations and fishery resources within the Apalachicola River. There is nothing in the current application that addressed DEP's reasons for the previous denial or provides new documentation that the proposed activity will have minimal or no effect upon the fish and wildlife resources and minimizes erosion along the riverbanks. It is also curious that none of the other state or federal resource agencies were identified as being present in the April 27, 2012 pre-application meeting where these application issues should have been addressed.

The Corps has neglected to provide DEP any detailed information on the potential impacts to State and federally listed species as required by the application. Instead the section addressing listed species protection is left blank and relegated to future coordination with the USFWS. No consideration or listing of other State listed species is even provided. Instead of providing current information, the Corps supplied old information referencing the 1999 bank habitat mapping effort which was a requirement of Special Condition 20 of the previous DEP permit. The Corps clearly has or can readily obtain information on the locations and habitat requirements of the federally listed mussel species based upon the May 2012 RIOP. DEP, with the assistance of the FWC and USFWS, previously developed specific conditions necessary to protect the threatened and endangered species related to the proposed Corps activities. The removal of important snag habitat and the unidentified information on relocation of this snag habitat - where it will be taken from and where it will be placed, could have a deleterious effect upon the threatened and endangered mussels and other listed species within the River.

The Corps is requesting approval for removal or relocation of an estimated 1,000 snags annually with the snag habitat being removed or relocated from the main channel or cut from the riverbank. The request for such a high number has not been reached or recorded since the 1970's and 1980's. The Corps is also suggesting placing the snag habitat at elevations (9,300 cfs) that would effectively remove their possible use as habitat by fish and wildlife resources. The Corps indicates in the "Analysis of expected effect of the proposed activity on the Apalachicola River System" that there would be "long-term beneficial impacts to create structures for habitat by relocation of the snags." Snag habitat as a source of cover and food sources for fish and wildlife has been well documented by the FWC and academic community. Snag habitat is also well known to reduce erosion along banks. While the Corps provided a copy of the 1998 Light et.al. report, they have not provided new reports developed by Light et.al. or developed by the FWC documenting the importance of snag habitat to fish and wildlife resources. Further, they have not addressed the issues related to snag habitat contained in the 2005 DEP letter of denial. The idea that removing and relocating snag habitat from where it naturally occurs to another location and that by doing so it will provide "long-term benefits" is astounding. The request for removal of snag habitat from the riverbanks and for removal of snag habitat at such high numbers, or at all, is contrary to our current knowledge; its importance in maintaining biological integrity; reducing bank erosion; and is definitely not within the public interest.

The DEP in 2005, along with FWC and the NFWFMD, documented conflicts with State statute and rule and denied a permit application from the Corps that contained similar provisions as the proposed application. The Corps has proposed nothing more than a return to part permit and operational practices which DEP and the other State resource agencies found to be detrimental to the State's resources. Further, the Corps will need Congressional funding to conduct any navigation operations on the system. This has historically been opposed by the State, the environmental community, and its Congressional delegation. The Florida Wildlife Federation strongly opposes the issuance of the proposed permit and urges the DEP, with the support of the FWC and NFWFMD, to deny the permit application and water quality certification.

Sincerely,



Manley K. Fuller  
President

Cc: Senator Bill Nelson  
Herschel Vinyard, Secretary, DEP  
Nick Wiley, Executive Director, FWC  
Jon Steverson, Executive Director, NFWFMD  
Dan Tonsmeire, Apalachicola

Comments Submitted to The Florida Department of Environmental  
Protection  
In regards to the ACOE Permit Request to Conduct Snagging operations  
on the Apalachicola River  
June 23, 2012

As President of the Help Save the Apalachicola River Group and as one who has for many years researched the history of the Apalachicola River in relation to the Mobile Army Corps of Engineers, I ask that the following comments be given serious consideration.

I believe that a further injustice would be perpetrated on this River System, should the permitting determination be evaluated on the request alone. At least a cursory look back in history is needed and questions asked. What kind of "snags". Why are there so many? What purpose could they serve? Given just a cursory look into past history, the most important question is, "Should this project be approved"?

In years past this river was dredged, cut, dynamited, had thousands of trees cut from the banks, and re-routed. Dredged spoil was pumped out into the floodplain. Later spoil was allowed to be placed on the banks of the river. During the 1970's, spoil was allowed to be placed within the riverbanks. In the 1992 Revised maps of spoil sites on the Apalachicola River, Prepared by the Northwest Florida Water Management District and included in the COE Permit#0129424-001-DF, there were 140 spoil sites on this 106 mile long river {before the mutilation of the river began, the river was stated by the COE in 1946 to be 112 miles long} many were one-half miles long. Spoil Site 53B, across the river from Chipola Cut off, was approximately one mile long and contributed to an excess amount of water entering the Cut off which has resulted in problems to property owners and a hazard on a public road. The map also depicts 26 dike fields. Over the years, property owners who complained of loss of property due to spoil sites and dike fields causing opposite bank erosion were sent form letters from the COE stating that "Rivers meandered naturally." After some time had passed, there was no question as to what caused the erosion.

For many years approximately one million cubic yards of spoil was dredged from the ACF, the majority of which was dredged from the Apalachicola River. In the floodplain, on the banks, and within the banks of the river, this spoil caused degradation to the entire system. During seasonal high water the spoil was washed into the sloughs and creeks. Deposit sites were located just upstream of most of these water ways which fed life giving water to the swamps and flood plain. The rate of degradation in the system escalated during the 1970's when within bank spoil sites were approved. Off river lakes and ponds begin to fill with sediment. These water bodies were a source of drinking water for many land species. So many functions that existed for many of the aquatic and land species were impacted by the dredged spoil.

A question asked by a USGS staff person who came to our area while working on a report concerning the floodplain was "Where did all the sand come from"? The Apalachicola River in its natural state was a deep, narrow river. It is now a wide, shallow river. Documents from the 1940's and onward tell the sad story of the mutilation of this system while those in a position to protect, didn't. When Water Quality Permits were first required of the COE in the 1970'S, The people vested with the issuance of the permits were aware of the damage being done and required that certain things were done as mitigation, i.e. open Virginia Cut, reconnect Point Pollaway but these things and others were never done. Over the years it just seemed to turn into a political game with the COE being too powerful to buck. The damage done to this treasure was a blaring dark spot on the State of Florida. Then miraculously the State denied the COE a Water Quality Permit and the Apalachicola has had a few years for convalesce. But many more years are needed.

The maps of the river that are included in the COE Permit Request are not reliable as to the number and size of the spoil sites. Also they are depicted as being located on the banks of the river when in reality they are "Within" the banks of the river. Missing also are the dike fields.

The "snags" that are now the subject of concern {or a foot in the door} are mainly trees that have fallen into the river as a result of within bank spoil sites and dike fields which has caused opposite bank erosion. If the trees are removed there will again be an open wound where more erosion will take place. Spoil sites that were located on point bars which caused the opposite bank to erode has also caused trees that lined the eroded bank to fallen in. They are a protection for that bank and could possibly catch some of sediment in the channel {which contains an overabundance} and build up that bank and combat the point bar, which continues to enlarge and creep toward the mid-channel. There are several deep bends located in the middle section of the river which are on the point of being eroded to the extent that in moderate high water, flow in the channel has created a ditch across the neck of the bend, threatening to cut the bend completely off. A plan or "natural meandering?" Why would a spoil site be located on a point bar in the first place? The practice of mechanically cutting off bends of the river was stopped years ago but like the old saying goes, "There is more than one way to skin a cat." Refer to the 1992 maps prepared by the NFWFMD of the dike fields and spoil site maps. Now, twenty years later, the necks of the bends are much more narrow. Concerning another related issue, a map of the river depicting all of the sloughs and creeks, superimposed on the referenced map will show a spoil site just up-stream and when the water level rises, spoil is washed into the mouths of these water ways which was one way to keep the water in the river for almost, non-existent commercial traffic.

Public monies have financed the many failed "restoration Projects" conducted on the river by the COE and one major project at Battle Bend which cost taxpayers two million dollars and was touted to result in flow from the river again flowing through the bend. During seasonal high water it now flows into two inlet channels at the upstream mouth of the bend and into a miles long mud flat "behind" Battle Bend and on south. I noticed in the Request for Permit, one of the projects listed under the category of "Readily implementable Maintenance Options" is this; Performance of appropriate mitigation actions {i.e. maintain open lower entrance into Battle Bend}.

Part of the history of Battle Bend is that this deep bend was mechanically cut from the river in the 1960's by the COE. In order to stop the water from entering the upstream mouth of the severed

bend, dredged spoil was placed in the upper section several times, {all according to COE documents}. This action failed and the spoil site just upstream of the upper mouth of the bend was extended across the mouth creating a sand berm across the mouth. After this failed, a borrow pit was dug just off bank and an earthen berm was built. This was somewhat successful but the lower mouth continued to close with sediment from the river during high water. On a couple of occasions, the COE excavated a channel into the lower mouth but on the first excavation, placed the spoil on the upstream bank of the bend which eroded back into the bend along with sediment from the river.

Three years ago, the FWCC proceeded with Phase one and two of a restoration of Battle Bend {The two million dollar one} that included dredging a 200-foot by 1000 foot channel into the lower mouth. A plug was left at the mouth while the dredging proceeded. Several miscalculations were made with the planning that resulted in a devastatingly failed project. Really simple issues like believing that sloughs inside the bend drained into the bend when in fact they drained out of the bend. It was unknown at the time by people who made decisions about the river that sloughs and creeks would flow in different directions at different times. When the river rose, waterways that ran into the river would run backward while filling the swamp and sloughs that flowed away from the river would flow into the river when the level of water in the river fell until the higher level in the swamp was lowered. This type of misunderstanding has caused other problems.

When the powers that be realized that during high water, the flow from the river entered into the downstream mouth of Battle Bend {as it had from the time the bend was cut from the river} Phase two of the project came into play and the two inlet channels were dredged in the upper mouth. But on into the bend, spoil that the COE had placed in the mouth had the channel plugged. So, the water entering the upstream mouth can't flow through the bend. NOW, comes the COE maintaining that keeping the lower mouth open is something that can be done right away. The plug that was left in the lower mouth by the FFWCC Contractor for dredging the big channel was never removed. We were informed by the person in charge of the project that the contractor "inadvertently" left the plug and was going to return and remove it. It now has willow trees growing on it and the 200 by 1000 foot dredged channel is behind the plug.

The Apalachicola River was never suited for the size barges that were allowed. People in the late 1800 built shallow draft boats and worked with the river and it's changing water levels. Many times in the past, people in this middle river area have sit on point bars and watched as a tug boat pushing two large barges {with a draft of 8-9 feet when loaded} struggled to maneuver around a bend of the river. The only way that would often succeed would be to crash into the bank, turn a little and repeat the procedure over and over until the turn could be made. This was the way it was even after all of the dredging, cutting, dynamiting, and bend easing.

The COE cannot "fix" the river system. Only nature itself can accomplish that feat and it will take many years. Of all the restoration projects carried out, there have been no successes. Many have caused greater problems or created new ones. Past actions will cause problems for years to come but given time, this river will regain it's glory if it is allowed and if the State of Florida will make amends for omissions in the past by protecting the system and ensuring that the water it needs is available. There is much more at stake than the three ridge and purple bank climber mussels. The river, the swamps and floodplain, {which have never really been studied} and the bay are together

an enormous treasure that Florida should be proud. Of all the parts, the Apalachicola Bay seems to have more recognition but it is not a stand alone but requires the seasonal high water to feed the bay and all it's species.

The contention that the river is the only mode of transportation for some cargo is misleading. Any thing that can be transported up the river can be moved by road, rail or air. If the cost in money and environmental destruction for years of maintenance to be able to move a certain cargo once in so many years are added up, a new road could be built instead.

Marilyn Blackwell  
President: Help Save the Apalachicola River Group  
4812 County Road 381  
Wewahitchka, FL 32465-6960

# APALACHICOLA RIVERKEEPER®

SAVING AN AMERICAN TREASURE

June 26, 2012

Ms. Heather Mason  
 Florida Department of Environmental Protection  
 Submerged Lands and Environmental Resources Program  
 160 Governmental Street, Suite 308  
 Pensacola, FL 32502

**RE: Application Number 129424-008 - U.S. Army Corps of Engineers - Maintenance Snagging of the Apalachicola River in Jackson, Gadsden, Calhoun, Liberty, Gulf, and Franklin Counties, Florida**

Dear Ms. Mason:

On behalf of our Board of Directors and a nearly 1000 Membership consisting of hundreds of residents living in the counties along the Apalachicola River, and hundreds more living in Northwest Florida, Apalachicola Riverkeeper strongly objects to issuance of a permit for the snagging activity proposed on the Apalachicola River in the referenced application.

### **Degradation and Loss of Riverine Habitat**

The proposed snagging activity will result in loss and degradation of riverine habitat and the overall biology of the ecosystem. The Apalachicola River is an alluvial river with most areas of the river bottom made up of sediments ranging in size from gravel to fine clay. In the Apalachicola, habitat diversity depends on the natural scouring process to create different environments, including hard substrates (such as limestone ledges), and woody and twiggy substrates. Limestone ledges present in the upper Apalachicola have been significantly reduced by Corps activity in the past. Scouring creates beneficial habitats including holes, hard clay banks and deeper channels. The beneficial habitats created by the scouring process have been reduced by massive in-bank dredge material deposition. This deposition has created extensive sand bottoms throughout the length of the river, making the remaining woody habitat and limestone ledges even more critical to maintain and protect.

Woody material in the flowing channel is one of the most important components of habitat diversity in the river. Tree tops that have fallen into the river provide cover for small fishes by physically shielding them from predators and creating eddies where fish can get out of the current to take advantage of food being brought to them by the current. Older, larger woody material, primarily tree trunks and large branches, persevere in the the environment for longer periods and provide the same cover and current-slowng opportunities for larger fish. The larger woody material also helps increase bottom depth diversity by forcing the current to scour around it.

Woody material located in the river's cross sections is also important. Trees that end up on the inside bend of the river are less important as fish habitat because they tend to be covered in silt by the normal sedimentation process. Trees located on the outside bends and banks are not covered by silt and are extensively used by wildlife and fish. This woody material is targeted on a large scale by the Corps' advanced snagging proposal. The proposal allows for the entire deeper water cross section of the river to be snagged from the top of the outside banks out into the deeper river.

The preponderance of snags are along the lower bank in shallower water during low flows. During dry periods and lower flows, woody material in the water is particularly important because it is the only habitat available. The duration and extent of low flows in the Apalachicola River has increased as a result of upstream water use; Corps of Engineers reservoir management, and less rainfall due to climate change. Relative to the present diverse habitat provided by the woody debris, the river bank and bottom condition are barren. History has shown that snagging reduces fish habitat in the overall main river channel. Consequences from the proposed activity could go well beyond those resulting from past river snagging.

The recent revision of the Corps' Interim Operation Plan (RIOP) lowers flows for extended periods. The RIOP disconnects the sloughs and tributaries from the main river channel, lowering flows in the main river channel and resulting in an overall reduction of habitat available to the fish. Maintenance of the remaining woody habitat in the main river channel is critical. The snagging activity proposed will result in additional loss and degradation of critical riverine habitat. No mitigation of these impacts is proposed. This loss is unnecessary and unacceptable under the federal and state designations and the guidelines and laws pertaining to the management of the Apalachicola River and Bay.

### **Undefined Emergency Use**

The Corps' definition of an upstream "emergency" is not clear. Nor is it clear how often these emergencies might occur. This term and any associated response must be further clarified and defined. Because of the extremely deleterious effects on the aquatic life of the Apalachicola River, the Corps should more fully assess all associated risks and appropriate responses to any potential/future emergencies on the River.

Apalachicola Riverkeeper strongly urges the DEP to establish a systematic review process in order to lead to a shared understanding for what constitutes an "emergency" upstream. Such a process would keep agencies, organizations and the Corps informed. This would all interested parties to adequately prepare and respond in emergency events. We strongly urge that DEP deny the current Corps' snagging proposal because of its biological impacts.

### **Proposal Contrary to Conditions of Previous Permit Denial**

The application proposes two (2) methods for snag removal. Both methods provide for relocation of approximately 1000 snags from the river and represent a significant increase in the number of snags moved. The reasons cited (summarized below) for denying Corps snagging

activity is documented in the *Consolidated Notice Denial for the Wetland Resource Permit (2005)* are:

- IV. A.1.b Biological Integrity was compromised by the unrestricted practice of snag removal and has caused unacceptable reductions in the biological integrity of the system. The practice of snag removal will cause significant degradation of the ambient biological integrity of an Outstanding Florida Water (OFW).
- IV. B. Sovereign Submerged Lands use requires Aquatic Preserves to be managed for the maintenance of essentially natural conditions, the propagation of fish and wildlife and public recreation, including fishing and hunting. The snagging activities (as proposed) do not meet these requirements.
- IV. C. The Coastal Zone Plan review found that the activity was inconsistent with the Florida Plan. This plan outlined the change in Section V. *Proposed Changes* (below) to the snagging activity to make it consistent and permissible.
- V. Proposed Changes – For approval of snagging, this section required the project to reduce snag removal to minimize the loss and degradation of habitat.

The loss of woody snag habitat will increase as the number of snags removed increase. The proposed location of snags above the current low water conditions that prevail as a result of the Corps' RIOP also reduces snag habitat. The increase in the snagging activity and associated loss of habitat is contrary to the associated permit and the management guidelines of the Apalachicola River and Bay.

#### **Future Navigation Channel Availability**

A recent report entitled "*An Evaluation of the Common Ground between Environmental and Navigation Flows in the Apalachicola-Chattahoochee-Flint Basin*" suggest alternative management practices that would allow for safe navigational use of the Apalachicola River. The Corps has the authority and responsibility for managing flows and should establish a season during which commercial barge traffic could utilize the river for transport of goods and supplies. The navigation season would occur during the typical high and medium flows that would also accommodate the ecological functions of the Apalachicola River Ecosystem.

A copy of the report was provided to the Corps in April, 2012 for their consideration. This report provides a potential alternative approach to managing the basin to meet the State of Florida's requirements to maintain and protect the ecological functions of the Apalachicola System and the Corps' congressionally authorized purpose of navigation. DEP should require the Corps to **fully** assess the need for river snagging under high flow conditions. Establishing navigation seasons would be more appropriate.

**Conclusion**

The Apalachicola Riverkeeper recommends that the permit as currently proposed, be denied. On behalf of the Apalachicola Riverkeeper, our Board of Directors and the entire Riverkeeper membership, I thank the Department of Environmental Protection for its consideration of our recommendation. If you have questions regarding these comments and recommendation, or need additional information, I may be reached at (850) 508-7787.

Sincerely,



Dan Tonsmeire  
Executive Director and Riverkeeper





FLORIDA DEPARTMENT of STATE

RICK SCOTT  
Governor

KEN DETZNER  
Secretary of State

July 17, 2012

Ms. Rebecca Norris  
Clerk of the Circuit and County Courts  
Gulf County  
1000 Cecil G. Costin, Sr. Boulevard  
Port St. Joe, Florida 32456

FILED FOR RECORD  
REBECCA L. NORRIS  
CLERK OF CIRCUIT COURT  
GULF COUNTY, FLORIDA  
2012 JUL 23 PM 2:06

Attention: Ms. Kari Summers, Deputy Clerk

Dear Ms. Norris:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letters dated July 13, 2012 and certified copies of Gulf County Ordinance Nos. 2012-05 and 2012-06, which were filed in this office on July 16, 2012.

Sincerely,

*Liz Cloud* (AK)

Liz Cloud  
Program Administrator

LC/srd

# Goodwill Big Bend Job Fair

The Goodwill Career Training Center in Port St. Joe will be hosting their first job fair on Wednesday August 15<sup>th</sup> from 1:30pm to 4:30pm. This great event will be held at the Gulf County Senior Citizen Association Building, 120 Library Drive. This is next to the public library. Your participation in this event will be a great support to the community as well as to the Goodwill mission of helping people find suitable employment and looking for the right individual for your business.

There are only fifteen tables available for this event. So, we are asking employers to register early. Set up and tear down will be provided. You are asked to provide the following:

- Company identification for your table (banner, name plate, etc.)
- Employment applications or printed instructions on how to apply on line
- A representative to man your table

Goodwill will spread the word about this great event throughout Gulf, Bay, and Franklin counties. We will be notifying the Work Force centers in Port St. Joe and Panama City. We are expecting a diverse group of potential employees to attend.

To register, please contact Tandra Burns at 850-229-1273 or by email at [psjctc@goodwillbigbend.com](mailto:psjctc@goodwillbigbend.com)

**Hope to see you there!!!**

FILED FOR RECORD  
REBECCA L. MORRIS  
CLERK OF CIRCUIT COURT  
GULF COUNTY, FLORIDA

2012 AUG - 8 AM 10:49

INFORMATION  
DATE: 8/14/12

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Bentina Terry  
Vice President  
External Affairs and  
Corporate Services

One Energy Place  
Pensacola, Florida 32520-0850  
Tel 877.262.0598

2012 AUG 14 11:14  
COMMISSIONERS



July 26, 2012

The Honorable Carmen McLemore  
Gulf County  
1000 Cecil G. Costin, Sr. Blvd.  
Port St. Joe FL 32456

Dear Carmen McLemore:

It is my pleasure to invite you to Gulf Power's Sixteenth Annual Economic Symposium. The 2012 Economic Symposium will be held at the Sandestin Golf & Beach Resort beginning Sunday, September 23, through Tuesday, September 25. This year we will take a look at *Our Competitive Edge* and we've lined up a group of speakers that will help each of us prepare to be part of the winning team in Northwest Florida!

As your host, Gulf Power Company is pleased to recognize our Presenting Sponsor, Florida's Great Northwest; our Silver Sponsor, PowerSouth; and our Bronze Sponsor, Atkins. These organizations are noted for their commitment to the continuing success of our region and we appreciate their continued support over the years of the Symposium.

Conference check-in will be available on Sunday from 2:00 p.m.-6:00 p.m., as well as Monday and Tuesday mornings beginning at 7:30 a.m. The conference registration includes the business sessions, conference materials, reception and meals. Early-bird conference registration fee is \$100 per person until August 23. The conference fee after August 23 is \$150. If you plan to join us for the golf tournament on Sunday afternoon, there is an additional fee of \$125. You can register online at [www.gulfpower.com/symposium](http://www.gulfpower.com/symposium) or use the registration form and self-addressed envelope enclosed for your convenience. Please complete your registration no later than Wednesday, September 12, 2012.

Guests will be responsible for hotel fees and any additional recreational activity fees incurred. When registering, ask for **Group Code: 22P8QR**. A block of rooms has been reserved at Sandestin Golf & Beach Resort with special rates beginning at \$130 per night on reservations received by August 23. A Housing Request form is enclosed for your use or you can call 800.320.8115 or book online at [www.sandestin.com/22P8QR.aspx](http://www.sandestin.com/22P8QR.aspx).

Attire for the entire conference will be business casual. If you have any registration questions, call toll-free 1.877.262.0598 or send an e-mail to [EconDev@gulfpower.com](mailto:EconDev@gulfpower.com). I look forward to seeing you and key members of your staff at this year's symposium on September 23, 24 and 25.

Sincerely,

Enclosures

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REBECCA L. NORRIS  
CLERK OF CIRCUIT COURT  
GULF COUNTY, FLORIDA  
2012 AUG - 8 AM 10:49

INFORMATION 77  
DATE: 8/14/12 LL



2012 AUG - 8 AM 10:38  
COMMISSIONERS

July 30, 2012

Carmen McLemore  
Chairman  
Gulf County Comm  
1000 Cecil G. Costin SR. Blvd, Room 302  
Port St. Joe, FL 32456

**VIA CERTIFIED MAIL**

Dear Mr. McLemore,

The purpose of this letter is to inform you that, on or about September 1, 2012, Mediacom will be implementing the following video rate adjustments:<sup>1</sup>

- Family Cable will increase by \$2.00
- Star Packages, where available, will increase by \$3.00

While we are always reluctant to raise video prices, the rapidly rising wholesale cost of television content is forcing our retail video prices higher and higher. The reality is that cable and satellite companies are constantly being pressured by the programmers we buy from to pay more for the channels we carry. If a cable or satellite company dares to resist a programmer's price increase, they get blacked out. Over the past few weeks, national shutdowns involving Viacom/DirecTV and Rainbow Media/Dish Network stripped consumers of channels like AMC, Nickelodeon, MTV and Comedy Central. But these disputes represent just the tip of the iceberg. Already this year, there have been 22 separate broadcast station blackouts that have resulted in consumers in over 60 markets losing access to channels. Hearst's recent blackout of Time Warner Cable and Bright House customers is just the latest example of the onerous price increases the programmers are trying to force upon cable and satellite companies and, ultimately, their customers.

While the current regulatory regime created by Congress 20 years ago leaves us little choice but to raise rates or lose channels, we have been working hard to reform this dysfunctional system in Washington. We have repeatedly asked the Federal Communications Commission and Members of Congress to protect our customers from programmer practices that are rendering pay television unaffordable for more and more Americans. We invite the leaders of your community to do the same.

I also wanted to take this opportunity to update you regarding the broadband services we provide to your community. Mediacom is pleased to announce that it was recently recognized in a Federal Communications Commission study as one of only five of the nation's largest Internet service providers to routinely meet or exceed advertised residential broadband speeds (see <http://www.fcc.gov/measuring-broadband-america/2012/july>). However, these accolades would not be possible without constant attention to and reinvestment in our fiber network. The investments required to maintain our fiber network, in terms of personnel, planning and capital, are significant. In addition to making the video price changes identified above, we will also be adjusting the rates for Mediacom Online Intro, Online<sup>2</sup> and Online Max by \$2.00, \$4.00 and \$5.00 respectively.

<sup>1</sup> Customers currently on promotional rates will not receive this rate change until the expiration of their respective promotional period.

<sup>2</sup> In conjunction with this price change, Mediacom is increasing the download speed for many Online customers by 25% from up to 12 Mbps to up to 15 Mbps.

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CLERK OF CIRCUIT COURT  
JULY 31 2012  
AUG - 8 AM 10:58

In closing, I want to express how much Mediacom appreciates the opportunity to continue to serve your community's telecommunications needs. If you have any questions, please contact me directly at 850-934-2524 or [dhagwell@mediacomcc.com](mailto:dhagwell@mediacomcc.com)

Yours sincerely,

*Donald Hagwell*  
**Group Vice President of Operations**  
**Southeast Region**



# Northwest Florida Water Management District **80**

81 Water Management Drive, Havana, Florida 32333-4712  
*(U.S. Highway 90, 10 miles west of Tallahassee)*

(850) 539-5999 • (Fax) 539-2777

Jonathan P. Steverson  
*Executive Director*

August 1, 2012

FILED FOR RECORD  
REBECCA L. MORRIS  
CLERK OF CIRCUIT COURT  
GULF COUNTY, FLORIDA  
2012 AUG - 2 AM 11: 35

Chairman  
Gulf County Commission  
1000 Cecil G. Costin, Sr. Blvd  
Port St. Joe, FL 32456

Dear Sir/Madam:

In accordance with the provisions of Section 373.536(5)(c), Florida Statutes, the Northwest Florida Water Management District's Standard Format Tentative Budget Submission including information for the preceding fiscal year, the current fiscal year and proposed amounts for the upcoming fiscal year is now available. This report may be viewed on the District's web site at <http://www.nwfwmd.state.fl.us/bizfinance.html>.

If you have any questions regarding this report, please contact me at (850) 539-5999.

Sincerely,

Jean Whitten  
Director, Division of Administration

JW/ab

Enclosure

GEORGE ROBERTS  
Chair  
Panama City

JERRY PATE  
Vice Chair  
Pensacola

JOYCE ESTES  
Secretary-Treasurer  
Eastpoint

JOHN ALTER  
Malone

GUS ANDREWS  
Defuniak Springs

STEPHANIE BLOYD  
Panama City Beach

NICK PATRONIS  
Panama City Beach



August 7, 2012

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REBECCA L. NORRIS  
CLERK OF CIRCUIT COURT  
GULF COUNTY, FLORIDA  
2012 AUG - 7 PM 2: 06

RE: PSJRA Seven-Year Stakeholders' Report

Dear Mrs. Norris:

The Port St. Joe Redevelopment Agency would like to share an overview of our investment in and impact on the community from 2007 – 2012. Please review the attached document that highlights the following:

1. Grant awards (\$1,125,830) that represent a 53 percent return on investment of tax increment funds received from 2007 to 2012. The return on investment this year alone to date is 86 percent.
2. Impact to the business community (\$959,940) through façade grants, planning, visioning, merchant initiatives, expansion, landscape maintenance, and branding.
3. Investment in infrastructure (\$1,449,406) including parking lots, parks, lighting, sidewalks, streetscape, and landscaping.

We continue to work in the best interest of the community and look forward to our collaborative and cooperative projects throughout fiscal year 2012-13.

As always, please feel free to contact us for additional information. Our board meetings are held every second Thursday at 10 AM at the Gulf County Welcome Center, and we invite you to attend as your schedule permits.

We appreciate your ongoing support.

Sincerely,

Gail Alsobrook  
Executive Director



Small-town Redevelopment expert Robert Gibbs suggested in 2006 that Port St. Joe should *“make the business district look like somebody cares.”* Many took that to heart – certainly the PSJRA did – and now it shows.

## 2006 – 2012 PSJRA Stakeholders Seven-Year Summary

*A Vision of Caring ... that works*

Between 2006 and 2012, the *PSJRA* has

**ATTRACTED OUTSIDE INVESTMENT THROUGH GRANT AWARDS  
\$1,125,830 - Equaling a Return on Investment of 53%**

In FY 2012, the PSJRA nearly doubled the TIF through grant awards: \$249,231 in TIF and \$215,000 in grant awards.

### IMPACT TO THE BUSINESS COMMUNITY – \$959,940



Façade Improvement Grants	\$388,601
Planning and Visioning	\$217,895
Merchant's Initiatives	\$157,328
NPSJ Expansion	\$76,834
Landscape & Shade	\$64,004
Banners & Branding	\$55,278



### INVESTED IN INFRASTRUCTURE – \$1,449,406



- Billy Joe Rish Memorial Parking Lot
- David B. Langston Drive
- Jetty Park
- Miss Zola's Drive
- Dr. Joe Memorial Parking Lot and Park
- Williams Avenue Sidewalks & Streetscape
- Reid Avenue Street/Landscaping
- US 98 Lighting and Street/Landscaping
- US 98/SR 71 Landscape Phases I, II & III



*The PSJRA is... Redevelopment that WORKS... for you.* 82

Congress of the United States  
House of Representatives  
Washington, DC 20515-0902

July 16, 2012

Commissioner Warren Yeager  
Gulf County Board of Commissioners  
1000 Cecil G. Costin, Sr. Boulevard  
Port St. Joe, Florida 32456

Dear ~~Commissioner Yeager~~: **WARREN**

Congratulations on recently receiving the Florida Association of Counties' 2012 Presidential Advocacy Award. I commend you on your service to Gulf County. As this award recognizes commissioners who work to protect the ideal that government closest to the people governs best, I am especially appreciative of your efforts since I strongly adhere to that view myself.

It is a privilege for me to work alongside public servants like yourself. Thank you for your tireless efforts on behalf of your constituents.

Again, congratulations on receiving this well-deserved distinction. Please stay in touch with me and do not hesitate to let me know how I may be of service to you and the folks of Gulf County.

With warm regards,



Steve Southerland, II  
United States Representative

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REBECCA L. MORRIS  
CLERK OF CIRCUIT COURT  
GULF COUNTY, FLORIDA  
2012 AUG - 8 AM 10:48