



Department of Environmental Protection

Jeb Bush
Governor

Northwest District
160 Governmental Center
Pensacola, Florida 32501-5794

David B. Struhs
Secretary

FIELD PERMIT

In the Matter of an
Application for Permit

Ruckel Properties, Inc.
17 John Sims Parkway
Niceville, Florida 32580

DEP FILE NO: 46-070659-001-DF
COUNTY: Okaloosa
Date of Issue: 9-2-99
Expiration Date: 9-2-04
Latitude/Longitude: 30°31'40"N/86°27'18"W

You are hereby granted *regulatory and proprietary* authorization to construct two wood foot bridges: one behind Lots 60 & 61 and one behind Lot 55 and the detention pond, as shown on the enclosed agreed upon drawings. The project is located at Swift Creek Subdivision, Phase I, adjacent to Still Branch Creek, Class III Waters, Section 04, Township 01 South, Range 22 West, Okaloosa County, issued pursuant to Chapters 403, 373, and 253 Florida Statutes and Administrative Codes 62-4, 62-312, 62-302, and 18-21. This authorization is conditioned upon the acceptance of and compliance with the attached Regulatory and Proprietary General Consent Conditions.

This Permit in no way waives the authority and/or jurisdiction of any government entity, nor does it disclaim any title interest the state may have in the project site. Please check with your local government for specific requirements. Where local governments have standards, the more stringent standards shall apply.

The attached approved construction plans are part of your field permit and construction must be in accordance with those plans. Your rights pursuant to Chapter 120, Florida Statutes, are described in the enclosed notice.

A copy of this Permit will be sent to the U.S. Army Corp of Engineers for review and may require a separate permit issued by them. Failure to obtain their authorization prior to construction could subject you to their enforcement action.

STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION

for: Marissa L. Mastery Patti Salvaggio
C. Walter Ruckel Environmental Specialist
Submerged Lands and Environmental
Resources Program

cc: James L. Barton, P.E., Agent
Enc. On-Site Drawings Administrative Hearing Request
 Regulatory General Conditions Proprietary General Consent Conditions
 Permit Specific Conditions

"Protect, Conserve and Manage Florida's Environment and Natural Resources"

PERMIT SPECIFIC CONDITIONS

Dock

- Dock elevation shall be a minimum of 3' above MHWL (mean high water line).
- Dock/deck board spacing shall be a minimum of 1/2".
- Dock/Boardwalk elevation shall be a minimum of 2' above the top of existing herbaceous wetland vegetation.

Seawall

- Riprap shall be placed along the waterward face of the seawall within (14) days of seawall construction.

Other

- All fill areas shall be grassed or sodded immediately upon completion of construction.
- All culverts shall be maintained by the removal of debris, other obstructions and sediments to assure the free flow of water in the culvert.
- The permittee shall at all times during the construction and until stabilization is achieved control erosion, turbidity and sedimentation into adjacent waters and wetlands, by placement of containment curtains, grassed soil stabilization, staked hay bales or a suitable temporary erosion control barrier.
- Prior to construction of work authorized by this permit, the permittee shall provide written notification of the date of the commencement of construction to the Northwest District Office, Department of Environmental Protection, 160 Governmental Center, Suite 308, Pensacola, FL 32501-5794.

RIGHTS OF AFFECTED PARTIES

A person whose substantial interests are affected by the Department's proposed decision may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57 of the Florida Statutes. 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.

Petitions filed by the applicant or any of the parties listed below must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than those entitled to written under section 120.60(3) of the Florida Statutes, must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first.

Under section 120.60(3) of the Florida Statutes, however, any person, who has asked the Department for notice of agency action, may file a petition within 21 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition or request or request for mediation, within the appropriate time period, shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57 of the Florida Statutes. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with rule 28-106.205 of the Florida Administrative Code.

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

- (a) The name, address, and telephone number of each petitioner; the Department permit identification number and the county in which the subject matter or activity is located;
- (b) A statement of how and when each petitioner received notice of the Department action;
- (c) A statement of how each petitioner's substantial interests are affected by the Department action;
- (d) A statement of the material facts disputed by petitioner, if any;
- (e) A statement of facts that the petitioner contends warrant reversal or modification of the Department action;
- (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department action; and
- (g) A statement of the relief sought by petitioner, stating precisely the action that the petitioner wants the Department to take.

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.

Because the administrative hearing is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by in it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

In addition to requesting an administrative hearing, any petitioner may elect to pursue mediation. The election may be accomplished by filing with the Department a mediation agreement with all parties to the proceeding (i.e. the applicant, the Department, and any person who has filed a timely and sufficient petition for a hearing). The agreement must contain all the information required by rule 28-106.404. The agreement must be received by the clerk in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, within 10 days after the deadline for filing a petition, as set forth above. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement.

As provided in section 120.573 of the Florida statutes, the timely agreement of all parties to mediate will toll the time limitations imposed by sections 120.569 and 120.57 for holding an administrative hearing and issuing a final order. Unless otherwise agreed by the parties, the mediation must be concluded within 60 days of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department must enter a final order incorporating the agreement of the parties. Persons seeking to protect their substantial interests that would be affected by such a modified final decision must file their petitions within 21 days of receipt of this notice, or they shall be deemed to have waived their right to a proceeding under sections 120.569 and 120.57. If mediation terminates without settlement of the dispute, the Department shall notify all parties in writing that the administrative hearing processes under sections 120.569 and 120.57 remain available for disposition of the dispute, and the notice will specify the deadlines that will then apply for challenging the agency action and electing remedies under those two statutes.

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

Any party to the order has the right to seek judicial review of the order under section 120.68 of the Florida Statutes, by filing the 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 must be filed within 30 days from the date when the final order is filed with the Clerk of the Department.

FIELD PERMIT
REGULATORY GENERAL CONDITIONS

1. As provided in subsections 403.087(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in this permit.
2. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.
3. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.
4. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located to conduct a compliance inspection.
5. If, for any reason, the permittee does not comply with or will be unable to comply with any conditions or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:
 - a. A description of and cause of noncompliance; and
 - b. The period of noncompliance, including dates and times; or if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.
6. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is prescribed by Section 403.111 and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedures and appropriate evidentiary rules.
7. The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules. A reasonable time for compliance with a new or amended surface water quality standard, other than those standards addressed in Rule 62-302.500, shall include a reasonable time to obtain or be denied a mixing zone for the new or amended standards.
8. This permit or copy thereof shall be kept at the work site of the permitted activity.
9. This permit constitutes Certification of Compliance with State Water Quality Standards (Section 401, PL 920500).
10. The terms, conditions, requirements, limitations and restrictions set forth in this permit, are "permit conditions" and are binding and enforceable pursuant to Sections 403.141, 403.727, or 403.859 through 403.861, F.S.
11. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits negotiated between the applicant and DEP. Any unauthorized deviation from the approved drawings, exhibits, specifications or conditions of this permit may constitute grounds for revocation of this permit and enforcement action by the Department.

DEPARTMENT OF ENVIRONMENTAL PROTECTION
SUBMERGED LANDS & ENVIRONMENTAL RESOURCES PROGRAM
GENERAL CONSENT CONDITIONS

File No.

1. No activities other than those set forth in the attached letter dated 9-2-79 are authorized. Any additional activities on state-owned sovereignty submerged lands must receive further consent from the Governor and Cabinet, sitting as the Board of Trustees of the Internal Improvement Trust Fund (hereinafter the "Board") or their properly designated agent.
2. Grantee agrees that all title and interest to all lands lying below the historical mean high water line or ordinary high water line are vested in the Board, and shall make no claim of title or interest in said lands by reason of the occupancy or use thereof.
3. Grantee agrees to use or occupy the subject premises for those purposes specified herein, and Grantee shall not permit the premises or any part thereof to be used or occupied for any other purpose or knowingly permit or suffer any nuisances or illegal operations of any kind on the premises.
4. Grantee agrees to maintain the premises in good condition in the interest of the public health, safety and welfare. The premises are subject to inspection by the Board or its designated agent at any reasonable time.
5. Grantee agrees to indemnify, defend and hold harmless the Board and the State of Florida from all claims, actions, lawsuits and demands arising out of this consent.
6. No failure, or successive failures, on the part of the Board to enforce any provision, waiver or successive waivers on the part of the Board of any provision herein, shall operate as a discharge thereof or render the same inoperative or impair the right of the Board to enforce the same in the event of subsequent breach.
7. Grantee binds itself and its successors and assigns to abide by the provisions and conditions set forth herein. In the event Grantee fails or refuses to comply with the provisions and conditions of this consent, the consent of use may be terminated by the Board after written notice to the Grantee. Upon receipt of such notice, the Grantee shall have thirty (30) days in which to correct the violation. Failure to correct the violations within this period shall result in the automatic revocation of this Letter of Consent.
8. All costs, including attorneys' fees, incurred by the Board in enforcing the terms and conditions of this consent shall be paid by the Grantee. Grantee agrees to accept service by certified mail of any notice required by Chapter 18-14, Florida Administrative Code, at the address shown on page one of this Agreement and further agrees to notify the Board in writing of any change of address at least ten days before the change becomes effective.
9. Grantee agrees to assume responsibility for all liabilities that accrue to the sovereignty submerged land or to the improvements thereon, including any and all drainage or special assessments or taxes of every kind and description which are now or may be hereafter lawfully assessed and levied against the property during the effective period of this consent.
10. Grantee agrees that any dispute arising from matters relating to this consent shall be governed by the laws of Florida and initiated only in Leon County, Florida.
11. The Letter of Consent associated with these General Consent Conditions as well as these conditions themselves are subject to modification after 5 years in order to reflect any applicable changes in statutes, rule or policies of the Board or its designated agent.
12. In the event that any part of the structure(s) consented to herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent riparian rights, Grantee agrees to either obtain written consent for the offending structure from the affected riparian owner or to remove the interference or encroachment within 60 days from the date of the adjudication. Failure to comply shall constitute a material breach of this consent and shall be grounds for its immediate termination.

UNITED STATES ARMY CORPS
OF ENGINEERS/ FLORIDA
DEPARTMENT OF ENVIRONMENTAL
PROTECTION JURISDICTIONAL
WETLANDS LINE (TYPICAL)

WETLANDS
NATURE PRESERVE

WOODEN RAIL ROAD
TIE STEPS WHERE
GRADE REQUIRES

WOODEN RAIL ROAD
TIE (TYPICAL)

3' WIDE WOODEN
FOOT TRAIL
BRIDGE

HAND-CLEARED 3'
WIDE DIRT FOOT TRAIL

25' VEGETATIVE BUFFER (TYPICAL)

LOT 60

EXISTING CONTOUR
LINE (1' INTERVAL)
TYPICAL

LOT 61

RECEIVED
AUG 25 1999

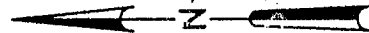
BRIDGE NO. 1 ~ PLAN VIEW

LEGEND

BRIDGE NO. 1 AREA
12 SQUARE FEET ±



JURISDICTIONAL WETLAND AREA
AFFECTED BY SITE IMPROVEMENTS



GRAPHIC SCALE



1 inch = 10 ft.

Northwest Florida
DEP

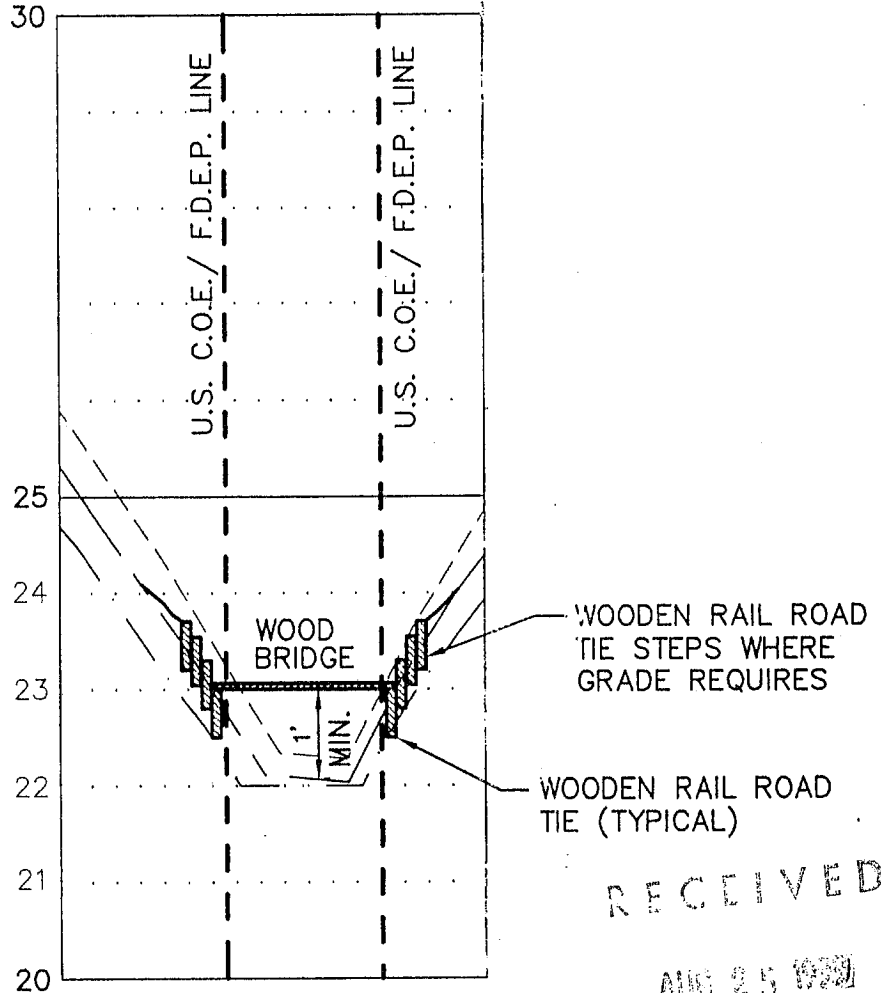
Applicant: RUCKEL PROPERTIES, INC.
County: OKALOOSA
Datum: N.G.V.D.
Water Body: STILL BRANCH

James A. Burt
8/10/99

Purpose: CONSTRUCTION OF SITE IMPROVEMENTS RELATED TO NEW SUBDIVISION
Original Work Maintenance
Sheet No. 3 of 6
Date: AUGUST 2, 1999

LEGEND

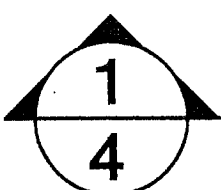
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- - - - - EXISTING GROUND 1.5' LEFT
- - - - - EXISTING GROUND 1.5' RIGHT
- FINISHED GRADE



RECEIVED

AUG 25 1999

Northwest Florida
DEP



BRIDGE NO. 1 CROSS SECTION

SCALE: HORIZ. 1"=10'
VERT. 1"=10'

Applicant: RUCKEL PROPERTIES, INC.
 County: OKALOOSA
 Datum: N.G.V.D.
 Water Body: STILL BRANCH

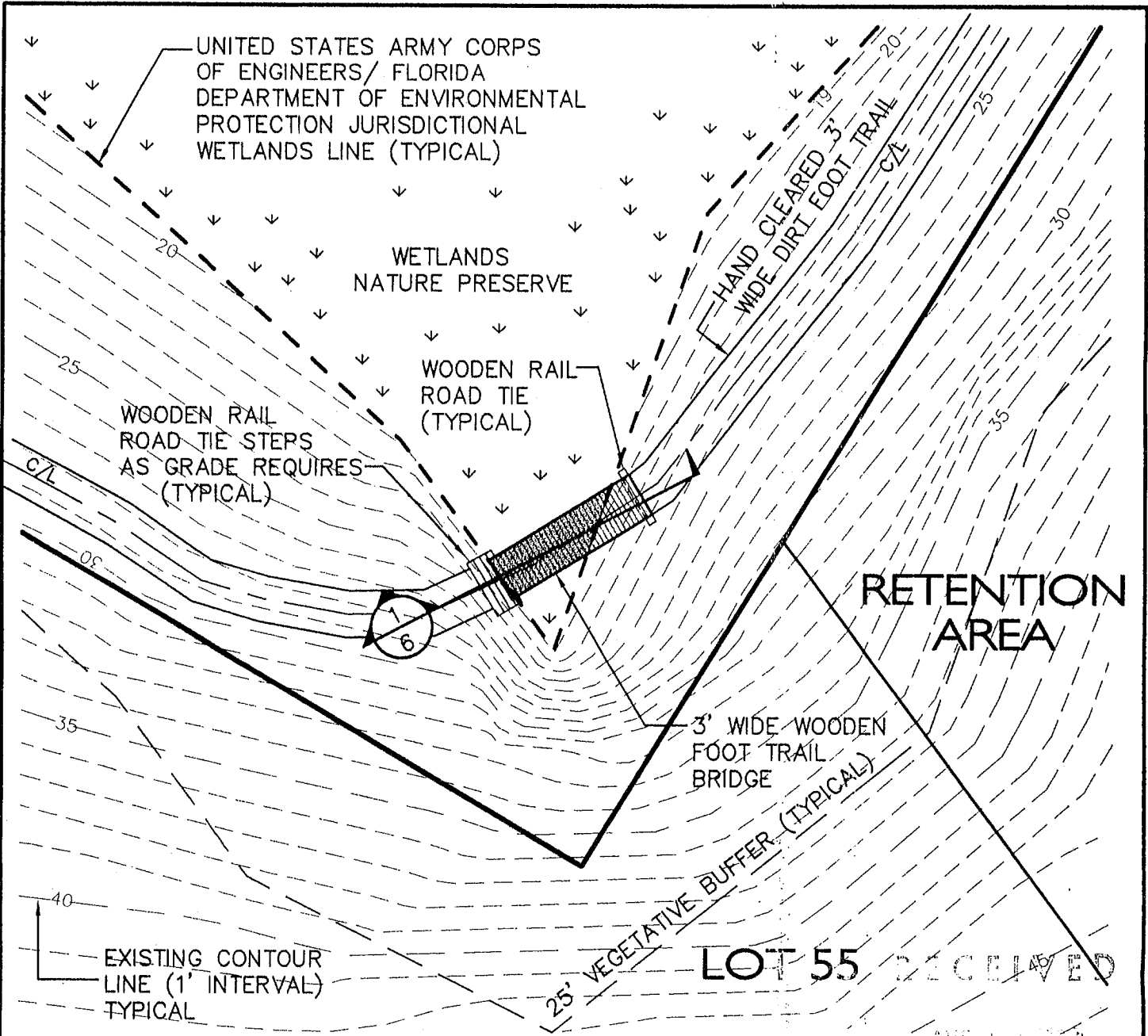
James L. Boster
8/10/99

PURPOSE: CONSTRUCTION OF SITE IMPROVEMENTS RELATED TO NEW SUBDIVISION

Original Work Maintenance


Sheet No. 4 of 6

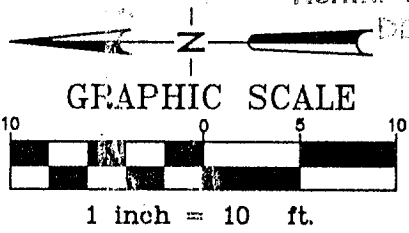
Date: AUGUST 2, 1999



BRIDGE NO. 2 ~ PLAN VIEW

LEGEND

- BRIDGE NO. 2 AREA
22 SQUARE FEET ±
-  JURISDICTIONAL WETLAND AREA
AFFECTED BY SITE IMPROVEMENTS



Applicant: RUCKEL PROPERTIES, INC.
 County: OKALOOSA
 Datum: N.G.V.D.
 Water Body: STILL BRANCH

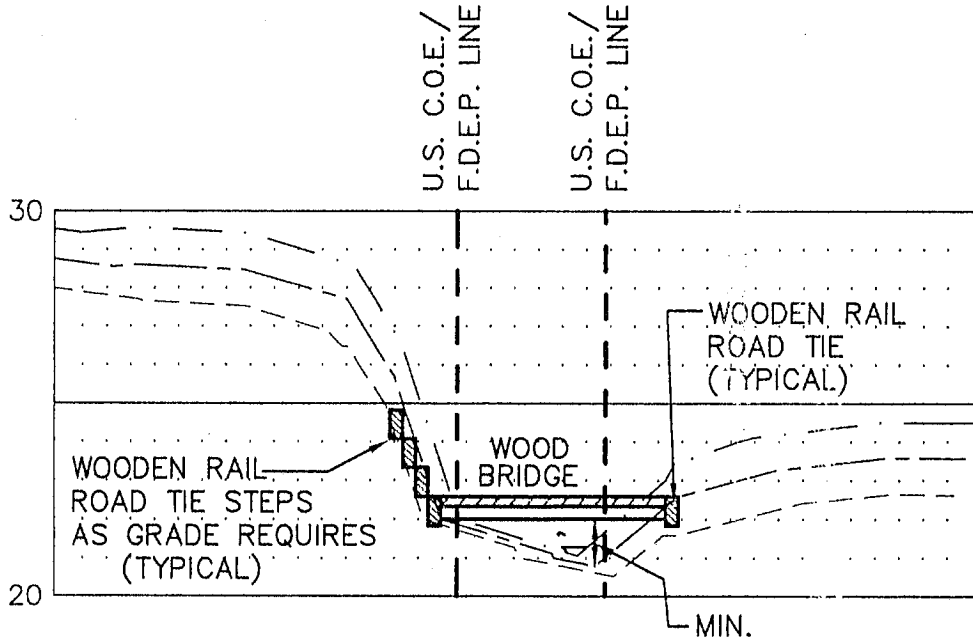
James L. Burt
8/10/99

Purpose: CONSTRUCTION OF SITE IMPROVEMENTS RELATED TO NEW SUBDIVISION

Original Work Maintenance

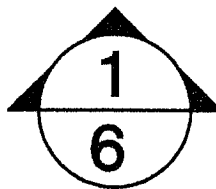
Sheet No. 5 of 6

Date: AUGUST 2, 1999



LEGEND

- EXISTING C/L GROUND
- - - - - EXISTING GROUND 1.5' LEFT
- . - . - EXISTING GROUND 1.5' RIGHT
- FINISHED GRADE



**BRIDGE NO. 2
CROSS SECTION**

SCALE: HORIZ. 1"=10'
VERT. 1"=5'

RECEIVED

AUG 25 1999

Northwest Florida
DDP

Applicant: RUCKEL PROPERTIES, INC.
County: OKALOOSA
Datum: N.G.V.D.
Water Body: STILL BRANCH

James L. Burt
8/10/99

Purpose: CONSTRUCTION OF SITE IMPROVEMENTS RELATED TO NEW SUBDIVISION

Original Work Maintenance
Sheet No. 6 of 6
Date: AUGUST 2, 1999