

# Department of Environmental Protection

# FILE

Lawton Chiles  
Governor

Northwest District  
160 Governmental Center  
Pensacola, Florida 32501-5794

Virginia B. Wetherell  
Secretary

# MOA

## CERTIFIED

Ruckel Properties, Inc.  
c/o John C. Gustin  
121 Hart Street  
Niceville, Florida 32578

Enclosed is your Permit Number 462686711 to construct three boardwalks in Shaw Still Branch. This permit, however, may be challenged.

You may limit the time frame in which challenges may be submitted by publishing notice of the permit in a newspaper of general circulation in your area. Proof of publication is to be provided to our office. Provided the permit is not challenged within fourteen (14) days after publication of the notice, the permit shall constitute final agency action. Should you choose not to publish notice of the permit, the permitted activity will remain subject to administrative and legal challenge by affected parties.

The permit is issued because the activity as described in the permit complies with the Department's permitting standards. Specifically, the proposed project is not expected to result in a violation of State water quality standards, nor to be contrary to the public interest.

Executed in Pensacola, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

  
BOBBY A. COOLEY  
District Director

160 Governmental Center  
Pensacola, Florida 32501-5794  
(904) 444-8300

Copies furnished to:

COE  
Submerged Lands & Environmental Resources Program (DEP)  
County Property Appraiser

CERTIFICATE OF SERVICE

This is to certify that this NOTICE OF PERMIT and all copies were mailed before the close of business on APR 25 1995 to the listed persons.

FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to §120.52(10), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Theresa J. Peter  
Clerk

APR 25 1995  
Date

State of Florida  
Department of Environmental Protection  
Notice of Agency Action on Permit Application

The Department gives notice of its issuance of a permit to Ruckel Properties, Inc., c/o John C. Gustin, 121 Hart Street, Niceville, Florida 32578 to construct three 5' wide boardwalks of 350', 180' and 40' in Shaw Still Branch, a Class III water body in Section 4, Township 1 South, Range 22 West in Okaloosa County.

Persons whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative determination (hearing) in accordance with Section 403.087, Florida Statutes. The petition must conform to the requirements of Florida Administrative Code Chapters 62-103 and 28-5 and must be filed (received) in the Department's Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, within fourteen (14) days of publication of this notice. Failure to file a petition within the fourteen (14) days constitutes a waiver of any right such person has to an administrative determination (hearing) pursuant to Section 120.57, Florida Statutes.

The petition shall contain the following information; (a) The name, address and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed; (b) A statement of how and when each petitioner received notice of the Department's action or proposed action; (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action; (d) A statement of the material facts disputed by petitioner, if any; (e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action; (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the proposed agency action. Therefore, persons who may not wish to file a petition may wish to intervene in the proceeding. A petition for intervention must be filed pursuant to Rule 28-5.207, Florida Administrative Code, at least five (5) days before the final hearing and be filed with the hearing officer if one has been assigned at the Division of Administrative Hearings, Department of Administration, 1230 Apalachee Parkway, Tallahassee, Florida 32399-1500. If no hearing officer has been assigned, the petition is to be filed with the Department's Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, Florida Statutes.

The application is available for inspection Monday through Friday except for legal holidays, 8:00 a.m. to 5:00 p.m., at 160 Governmental Center, Pensacola, Florida 32501-5794.



# Department of Environmental Protection

Lawton Chiles  
Governor

Northwest District  
160 Governmental Center  
Pensacola, Florida 32501-5794

Virginia B. Wetherell  
Secretary

**PERMITTEE:**

Ruckel Properties, Inc.  
c/o John C. Gustin  
121 Hart Street  
Niceville, Fl 32578

Permit Number: 462686711  
Date of Issue: APR 25 1995  
Expiration Date: April 15, 2000  
County: Okaloosa  
Project: Boardwalks

This permit is issued under the provisions of Chapters 373 and 403, Florida Statutes, Public Law 92-500, Title 62, and Rule 62-312, Florida Administrative Code. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the department and made a part hereof and specifically described as follows:

**PROJECT DESCRIPTION:**

To construct three 5' wide boardwalks of 350', 180' and 40' in accordance with the attached drawings.

**PROJECT LOCATION:**

Latitude/Longitude: 30°31'35"/86°26'53"  
Okaloosa County, Section 4, Township 1 South, Range 22 West

62-302.560 Criteria: Class III Waters - Recreation-Propogation and Management of Fish and Wildlife - Surface Water.

**PERMITTEE:**

Ruckel Properties, Inc.

Permit Number: 462686711

Date of Issue: APR 25 1995

Expiration Date: April 15, 2000

**GENERAL CONDITIONS:**

1. 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. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
3. 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.
4. 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.
5. 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.
6. The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.

**PERMITTEE:**

Ruckel Properties, Inc.

Permit Number: 462686711

Date of Issue: APR 25 1995

Expiration Date: April 15, 2000

**GENERAL CONDITIONS:**

7. 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 or conducted to:

- (a) Have access to and copy any records that must be kept under conditions of the permit;
- (b) Inspect the facility, equipment, practices, or operations regulated or required under this permit; and
- (c) Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.

Reasonable time may depend on the nature of the concern being investigated.

8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition 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.

9. 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 proscribed 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 Procedure and appropriate evidentiary rules.

**PERMITTEE:**

Ruckel Properties, Inc.

Permit Number: 462686711

Date of Issue: APR 25 1995

Expiration Date: April 15, 2000

**GENERAL CONDITIONS:**

10. 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 standard.

11. This permit is transferable only upon Department approval in accordance with Rule 62-4.120 and 62-730.300 F.A.C., as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.

12. This permit or a copy thereof shall be kept at the work site of the permitted activity.

13. This permit also constitutes Certification of Compliance with State Water Quality Standards (Section 401, PL 92-500).

14. The permittee shall comply with the following:

- a. Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.
- b. The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.
- c. Records of monitoring information shall include:
  1. the date, exact place, and time of sampling or measurements;
  2. the person responsible for performing the sampling or measurements;
  3. the dates analyses were performed;
  4. the person responsible for performing the analyses;
  5. the analytical techniques or methods used; and
  6. the results of such analyses.

**PERMITTEE:**

Ruckel Properties, Inc.

Permit Number: 462686711

Date of Issue: APR 25 1995

Expiration Date: April 15, 2000

**GENERAL CONDITIONS:**

15. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware the relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.

**SPECIFIC CONDITIONS:**

1. The permittee is hereby advised that Florida law states: "No person shall commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund or the Department of Environmental Protection under Chapter 253, until such person has received from the Board of Trustees of the Internal Improvement Trust Fund the required lease, license, easement, or other form of consent authorizing the proposed use." Pursuant to Florida Administrative Code Rule 16Q-14, if such work is done without consent, or if a person otherwise damages state land or products of state land, the Board of Trustees may levy administrative fines of up to \$10,000 per offense.

2. If historical or archaeological artifacts, such as Indian canoes, are discovered at any time within the project site the permittee shall immediately notify the district office and the Bureau of Historic Preservation, Division of Historical Resources, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399-0250.

3. At least 48 hours prior to commencement of work authorized by this permit, the permittee shall notify the Department of Environmental Protection, Northwest District Office in Pensacola, in writing of this commencement.

4. 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.

5. The applicant should note that in the event that any of the activities qualifying for this permit occur on sovereign submerged lands that are not in whole or in part within the boundaries of an aquatic preserve, Monroe County or contiguous to an unbridged, undeveloped coastal barrier island as defined by



**PERMITTEE:**

Ruckel Properties, Inc.

Permit Number: 462686711

Date of Issue: APR 25 1995

Expiration Date: April 15, 2000

**SPECIFIC CONDITIONS:**

Chapter 18-21, F.A.C., this permit shall constitute authorization from the Board of Trustees pursuant to a Memorandum of Agreement entered into on November 23, 1992. As such, no additional authorization will be required from the Submerged Lands & Environmental Resources Program of the Department of Environmental Protection for those specific activities qualifying for this permit. However, a permit may be required from the Division of Beaches and Shores. Any project located in whole or in part in an aquatic preserve, or contiguous to an unbridged, undeveloped coastal barrier island must receive separate authorization from the Submerged Lands & Environmental Resources Program.

6. The Department telephone number for reporting problems, malfunctions or exceedances under this permit is (904) 444-8300, day or night, and for emergencies involving a significant threat to human health or the environment is (904) 488-1320. For routine business, telephone (904) 444-8320 during normal working hours.

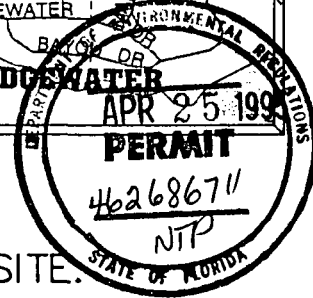
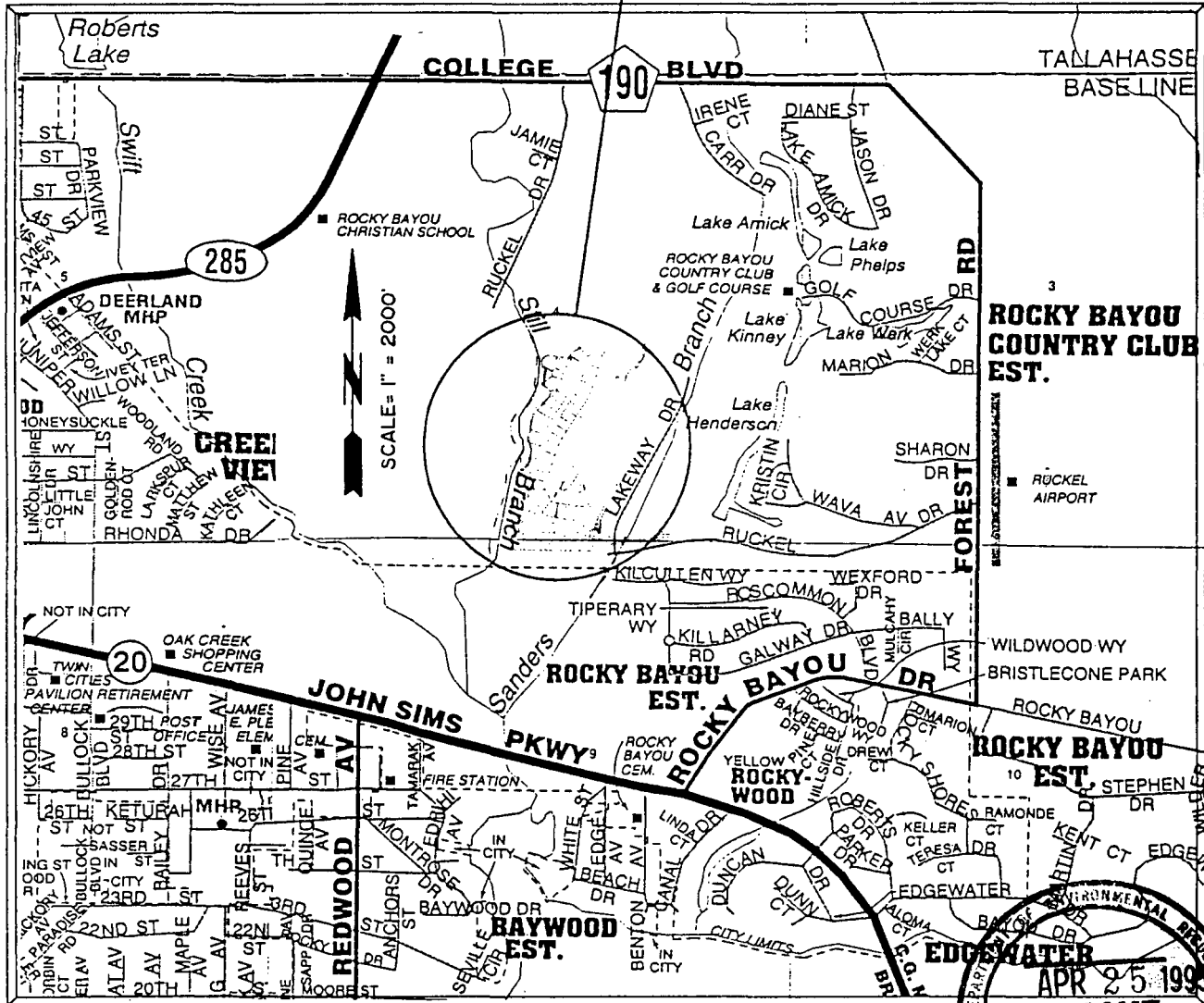
Expiration date:  
April 15, 2000

Issued this 25<sup>th</sup> day of April,  
1995.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

  
BOBBY A. COOLEY  
District Director

# PROJECT LOCATION



## VICINITY MAP

### DIRECTIONS TO LOCATE SITE.

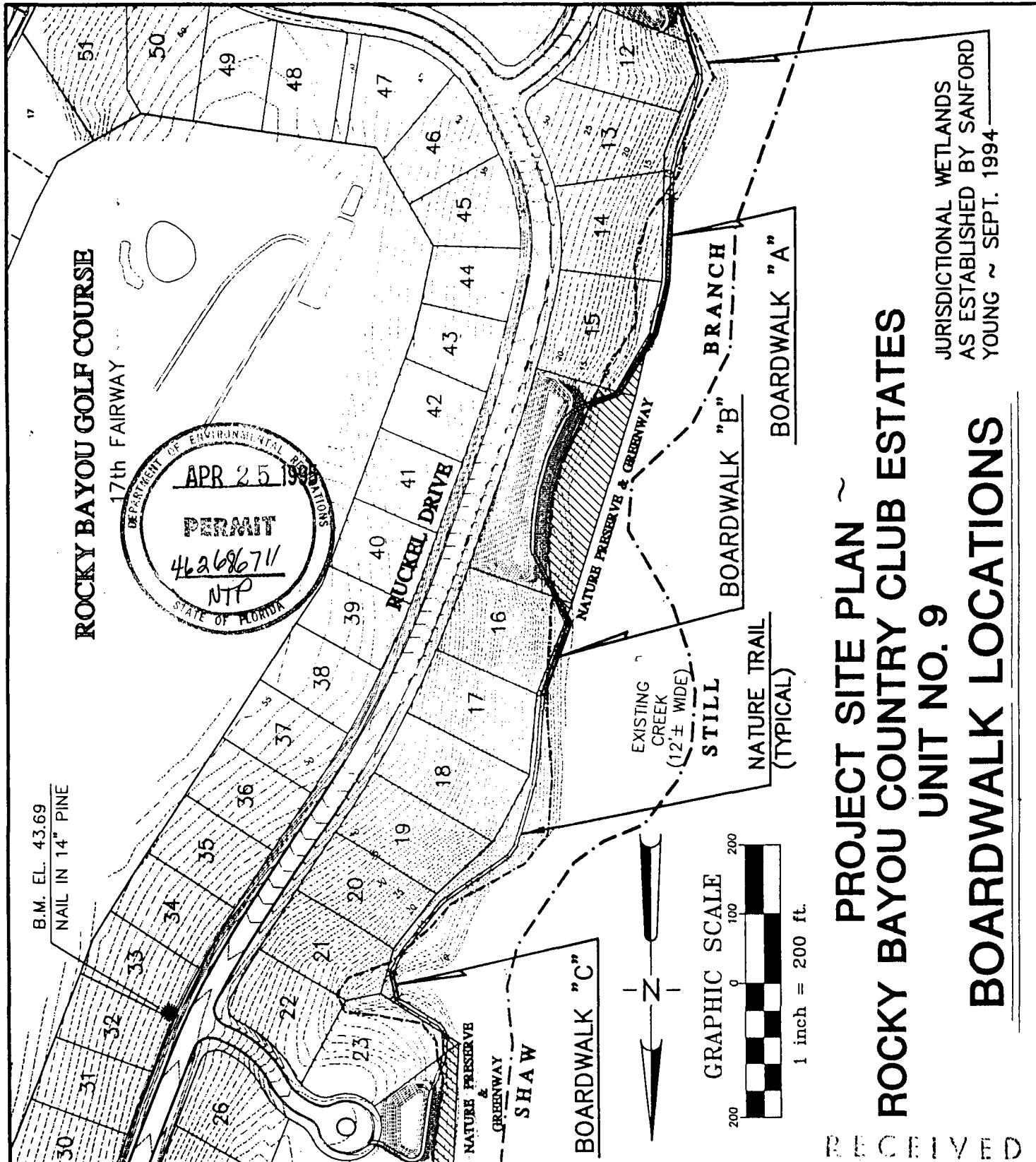
LATITUDE= 30°31'35"  
 LONGITUDE= 86°26'53"  
 SECTION= 4  
 TOWNSHIP= 1 SOUTH  
 RANGE= 22 WEST

TAKE I-10 TO S.R. 85 EXIT IN CRESTVIEW. HEAD SOUTH FOR APPROX. 17 MILES THEN EAST ON COLLEGE BLVD. IN NICEVILLE THROUGH THE S.R. 285 INTERSECTION ABOUT 3 MILES TO RUCKEL DRIVE. THE R.B.C.C. UNIT 9 ENTRANCE WILL BE JUST BEYOND HENDERSON LAKE. BOARDWALK LOCATIONS ARE ON THE LEFT (WEST) PARALLEL TO RUCKEL DRIVE.

Applicant: RUCKEL PROPERTIES  
 County: OKALOOSA  
 Datum: N.G.V.D.  
 Adjacent Property Owner's: RUCKEL PROP., INC.  
 Water Body: SHAW STILL BRANCH

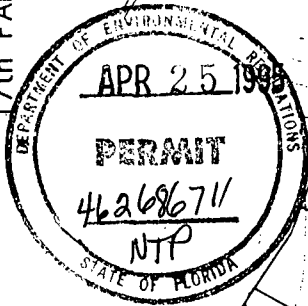
Purpose: CONSTRUCTION OF NATURE TRAIL AND BOARDWALK  
 Original Work  Maintenance   
 Sheet No. 1 of 6  
 Date: MARCH 6, 1995  
 NORTH - 5 1995  
 Northwest Florida

*James L. Bates*  
 4/4/95



ROCKY BAYOU GOLF COURSE

17th FAIRWAY



RUCKEL DRIVE

BOARDWALK "C"

BOARDWALK "B" BRANCH

BOARDWALK "A"

PROJECT SITE PLAN ~  
 ROCKY BAYOU COUNTRY CLUB ESTATES  
 UNIT NO. 9  
 BOARDWALK LOCATIONS

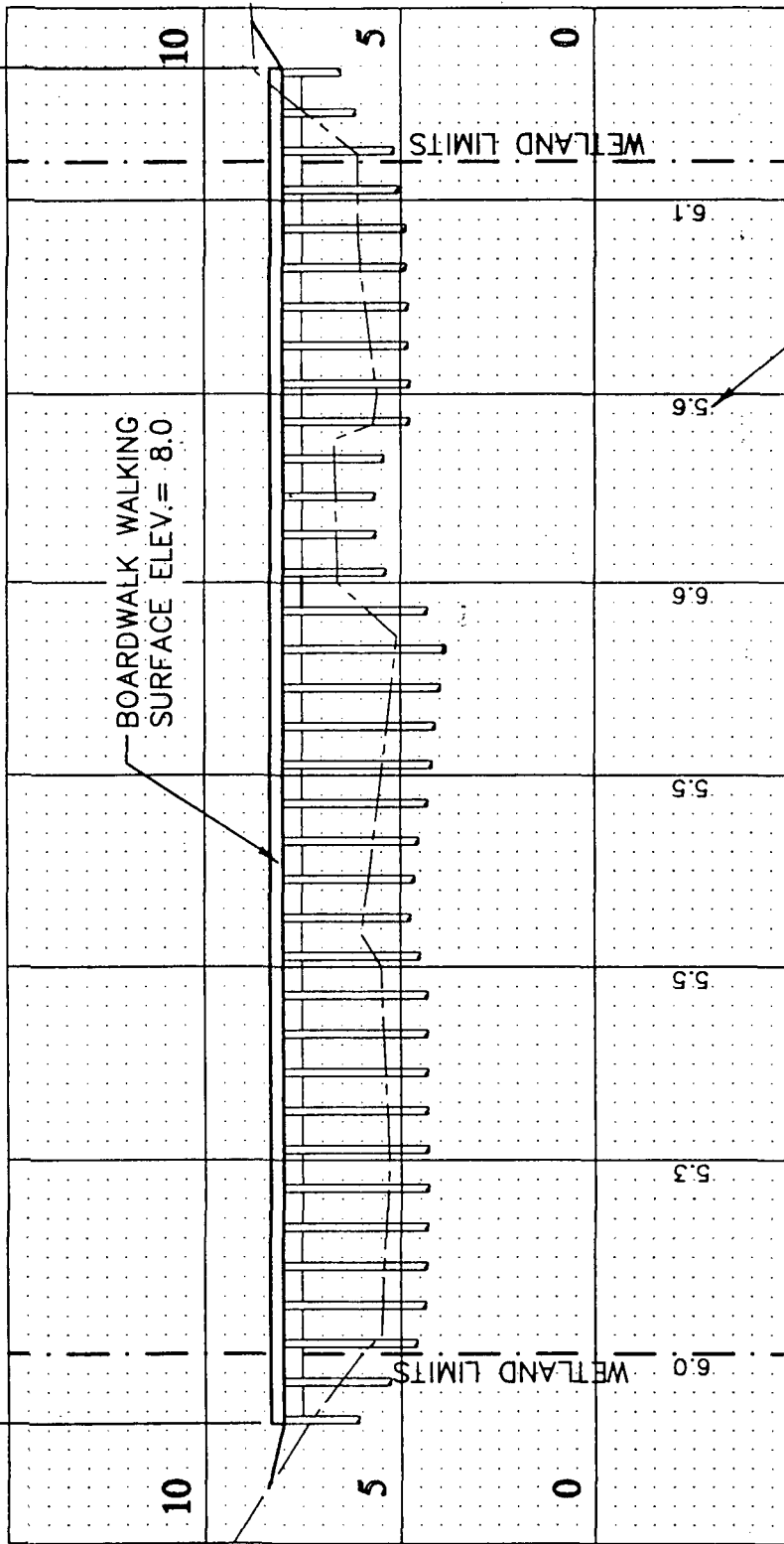
JURISDICTIONAL WETLANDS  
 AS ESTABLISHED BY SANFORD  
 YOUNG ~ SEPT. 1994

RECEIVED

Applicant: RUCKEL PROPERTIES  
 County: OKALOOSA  
 Datum: N.G.V.D.  
 Adjacent Property Owner's: RUCKEL PROP., INC.  
 Water Body: SHAW STILL BRANCH

Purpose: CONSTRUCTION OF NATURE TRAIL  
 AND BOARDWALK  
 Original Work  Maintenance   
 Sheet No. 2 of 16  
 Date: MARCH 6, 1995  
 APR - 5 1995  
 Florida

350'± BOARDWALK

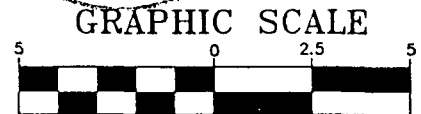
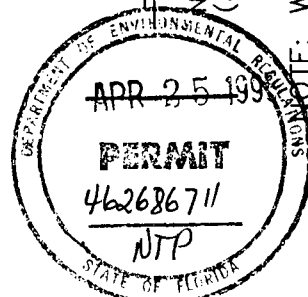
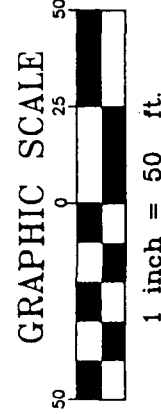


**BOARDWALK "A"**

**BOARDWALK PROFILE**

NOTE: WOOD PILES SHOWN AT 10' o.c. FOR CLARITY.  
(5' ACTUAL DISTANCE)

EXISTING GRADE  
ELEV.'S (TYP.)



NOTE: WHERE BOARDWALKS END WITHIN WETLANDS NO DISTURBANCE TO THE NATURAL GROUND ELEVATION SHALL OCCUR. NATURE TRAILS SHALL BE CONSTRUCTED OF NATURAL MATERIALS AND WILL RESULT IN NO DISTURBANCE TO THE ENVIRONMENT. THE SITE HAS BEEN SURVEYED AND BOARDWALK ENDS HAVE BEEN CLEARLY STAKED AND MARKED.

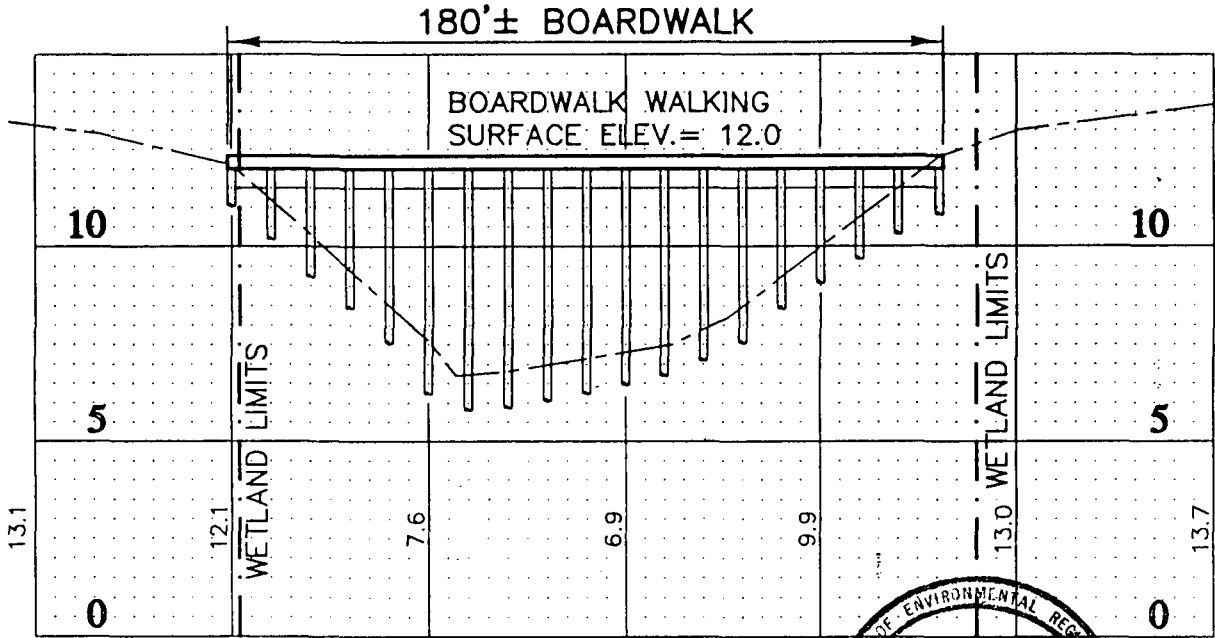
Applicant: RUCKEL PROPERTIES  
 County: OKALOOSA  
 Datum: N.G.V.D.  
 Adjacent Property Owner's: RUCKEL PROP., INC.  
 Water Body: SHAW STILL BRANCH

Purpose: CONSTRUCTION OF NATURE TRAIL AND BOARDWALK

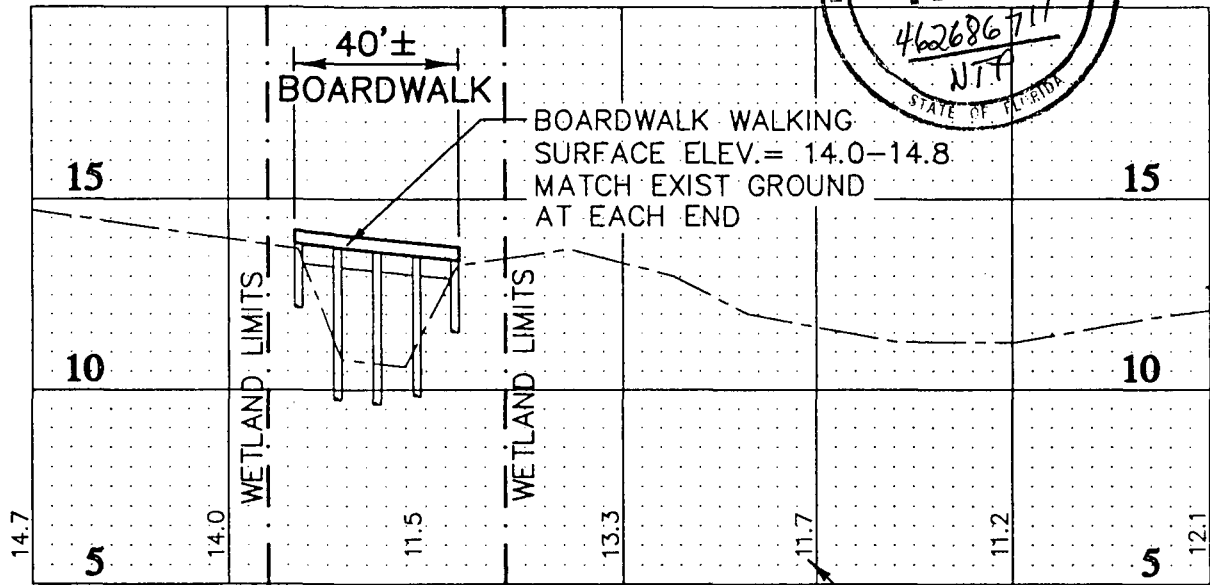
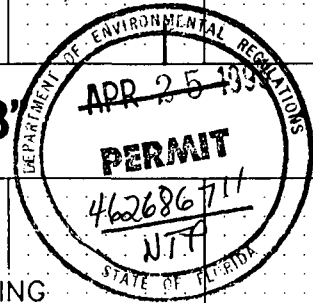
Original Work  Maintenance   
 Sheet No. 3 of 6  
 Date: MARCH 6, 1995

RECEIVED

# BOARDWALK PROFILES

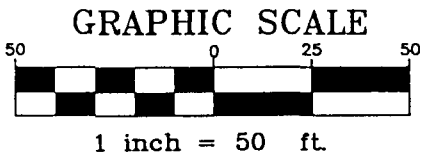


## BOARDWALK "B"



## BOARDWALK "C"

EXISTING GRADE ELEV.'S (TYP.)



NOTE: WOOD PILES SHOWN AT 10' o.c. FOR CLARITY.  
(5' ACTUAL DISTANCE)

RECEIVED

Applicant: RUCKEL PROPERTIES  
 County: OKALOOSA  
 Datum: N.G.V.D.  
 Adjacent Property Owner's: RUCKEL PROP., INC.  
 Water Body: SHAW STILL BRANCH

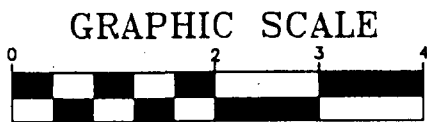
Purpose: CONSTRUCTION OF NATURE TRAIL AND BOARDWALK

Original Work  Maintenance

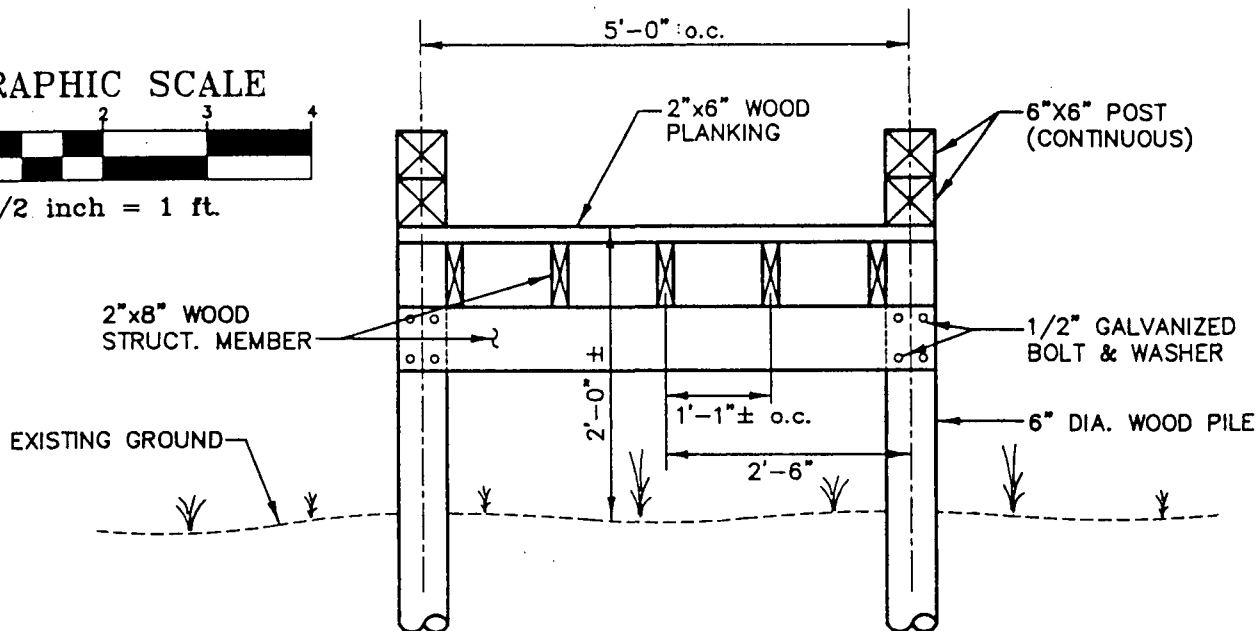
Sheet No. 4 of 6

Date: MARCH 6, 1995

APR 11 1995  
 Florida



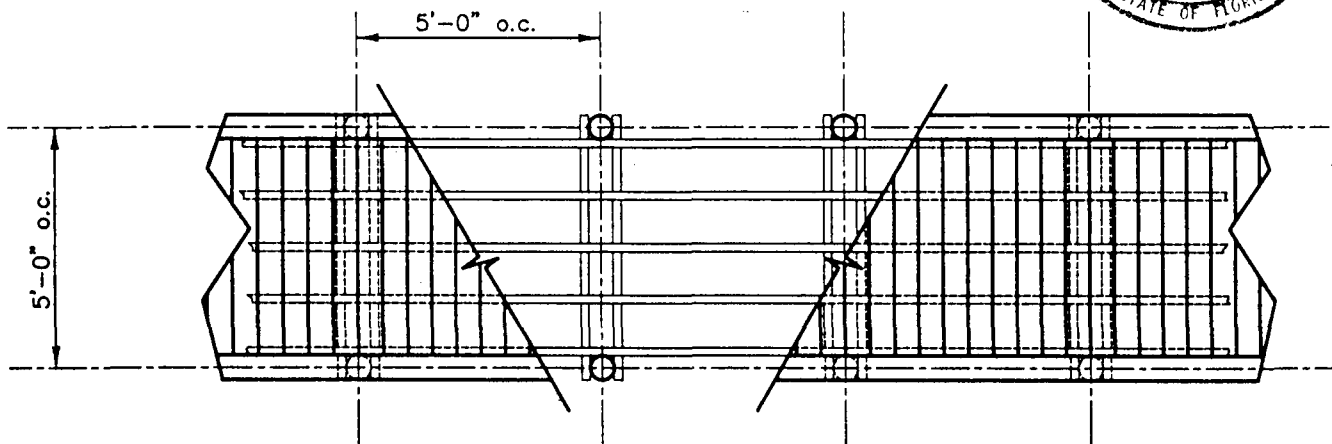
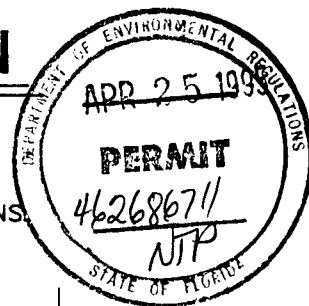
1/2 inch = 1 ft.



## BOARDWALK SECTION

**NOTES:**

1. ALL WOOD SHALL BE CCA TREATED.
2. ALL FASTENERS SHALL GALVANIZED
3. SEE BOARDWALK PROFILES FOR ELEVATIONS.



## BOARDWALK PLAN



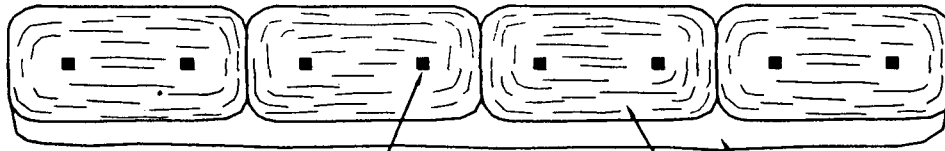
1/4 inch = 1 ft.

RECEIVED

Applicant: RUCKEL PROPERTIES  
 County: OKALOOSA  
 Datum: N.G.V.D.  
 Adjacent Property Owner's: RUCKEL PROP., INC.  
 Water Body: SHAW STILL BRANCH

Purpose: CONSTRUCTION OF NATURE TRAIL AND BOARDWALK

Original Work  Maintenance   
 Sheet No. 5 of 6  
 Date: MARCH 6, 1995

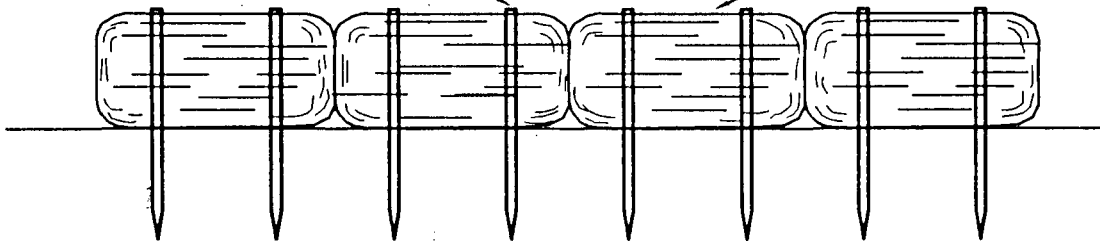


PLAN

LOOSE SOIL PLACED BY SHOVEL AND LIGHTLY COMPACTED ALONG FILL SIDE OF BALES.

ANCHOR BALES WITH (2) ~ 2" X 2" X 4" STAKES PER BALE.

BALED HAY OR STRAW (TYP.)



ELEVATION

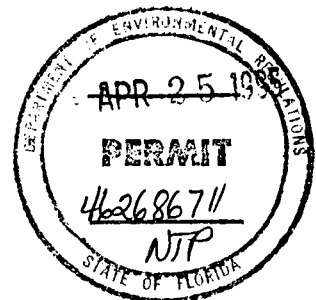
BALED HAY EROSION BARRIER

N.T.S.

NOTES:

1. STORMWATER RUNOFF, SEDIMENT, AND EROSION SHALL BE CONTROLLED DURING ALL PHASES OF CONSTRUCTION.
2. CONTRACTOR SHALL SEED ALL AREAS AND MAINTAIN EROSION CONTROLS IN PLACE IN THE EVENT DELAYS IN CONSTRUCTION OCCUR.

EROSION CONTROL



RECEIVED

Applicant: RUCKEL PROPERTIES  
 County: OKALOOSA  
 Datum: N.G.V.D.  
 Adjacent Property Owner's: RUCKEL PROP., INC.  
 Water Body: SHAW STILL BRANCH

Purpose: CONSTRUCTION OF NATURE TRAIL AND BOARDWALK  
 Original Work  Maintenance   
 Sheet No. 6 of 6  
 Date: MARCH 6, 1995  
 APR 5 1995  
 Department of Environmental Regulations  
 State of Florida