



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
10117 PRINCESS PALM AVENUE, SUITE 120
TAMPA, FLORIDA 33610

REPLY TO
ATTENTION OF

November 28, 2006

Tampa Regulatory Office
SAJ-2006-7517-MEP (NW-27)

Southwest Florida Water Management District
c/o David L. Moore, Executive Director
2379 Broad Street
Brooksville, Florida 34604

Dear Mr. Moore:

Your application for a Department of the Army permit received on November 17, 2006, has been assigned number SAJ-2006-7517-MEP. A review of the information and drawings provided shows the proposed work, known as Newman Branch Fishery Habitat Restoration Project, is to restore and enhance 12 acres of creek channels, low salinity habitats, marshes, and uplands adjacent to Newman Branch. The project is located near the corner of Dickman and Noonan Branch Road, Apollo Beach, in Section 16, Township 31 South, Range 19 East, Hillsborough County, Florida.

Latitude/Longitude: 27.78138 N/-82.40264 W

The Supreme Court handed down a decision on June 19, 2006, in the Rapanos and Carabell cases. That decision addresses the scope of Clean Water Act jurisdiction over certain waters of the United States, including wetlands. We anticipate that the decision will lead the Corps and the U.S. Environmental Protection Agency to make some changes in our scope of jurisdiction.

Your project includes activities, which are regulated under the current interpretation of Federal jurisdiction under Section 404 of the Clean Water Act. Your project includes special conditions that require compensatory mitigation for impacts to areas of Federal jurisdiction. Any changes to our scope of jurisdiction could require reassessment of these mitigation requirements and/or other project modification. You will have an opportunity to re-address the terms or conditions of this authorization following issuance of the anticipated EPA/Army

substantive Rapanos/Carabell guidance, if such guidance affects Federal jurisdiction on your permit site.

Your project, as depicted on the enclosed drawings, is authorized by Nationwide Permit (NWP) Number 27. In addition, project specific conditions have been enclosed. This verification is valid until March 18, 2007. This verification is valid until the NWP is modified, reissued, or revoked prior to March 18, 2007. It is incumbent upon you to remain informed of changes to the NWPs. We will issue a public notice when the NWPs are issued. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant nationwide permit is modified or revoked, you will have 12 months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this nationwide permit. Please access the U.S. Army Corps of Engineers' Jacksonville District's Regulatory web address at

<http://www.saj.usace.army.mil/permit/permitting/nwp.htm> to access web links to view the Final Nationwide Permits, Federal Register 67, January 15, 2002, the Corrections to the Final Nationwide Permits, Federal Register 67, February 13, 2002, and the List of Regional Conditions. These files contain the description of the Nationwide Permit authorization, the Nationwide Permit general conditions, and the regional conditions, which apply specifically to this verification for NWP 27. Additionally, enclosed is a list of the six General Conditions, which apply to all Department of the Army authorizations. You must comply with all of the special and general conditions and any project specific condition of this authorization or you may be subject to enforcement action. In the event you have not completed construction of your project within the specified time limit, a separate application or re-verification may be required.

The following special conditions are included with this verification:

1. Within 60 days of completion of the work authorized, the attached "Self-Certification Statement of Compliance" must be completed and submitted to the U.S. Army Corps of Engineers.

Mail the completed form to the Regulatory Division, Enforcement Section, Post Office Box 4970, Jacksonville, Florida 32232-0019.

2. The permittee shall follow the "Standard Manatee Conditions for In-Water Work" (July, 2005).

This letter of authorization does not obviate the necessity to obtain any other Federal, State, or local permits, which may be required. In Florida, projects qualifying for this NWP must be authorized under Part IV of Chapter 373 by the Department of Environmental Protection, a water management district under §. 373.069, F.S., or a local government with delegated authority under §. 373.441, F.S., and receive Water Quality Certification (WQC) and Coastal Zone Consistency Concurrence (CZCC) (or a waiver), as well as any authorizations required by the State for the use of sovereignty submerged lands. You should check State-permitting requirements with the Florida Department of Environmental Protection or the appropriate water management district.

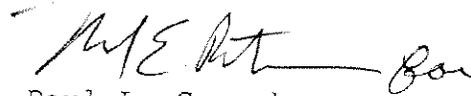
This letter does not give absolute Federal authority to perform the work as specified on your application. The proposed work may be subject to local building restrictions mandated by the National Flood Insurance Program. You should contact your local office that issues building permits to determine if your site is located in a flood-prone area, and if you must comply with the local building requirements mandated by the National Flood Insurance Program.

If you are unable to access the internet or require a hardcopy of any of the conditions, limitations, or expiration date for the above referenced NWP, please contact Mark E. Peterson by telephone at 813-769-7065.

Thank you for your cooperation with our permit program. The Corps Jacksonville District Regulatory Division is committed to improving service to our customers. We strive to perform our duty in a friendly and timely manner while working to preserve our environment. We invite you to take a few minutes to visit the following link and complete our automated Customer Service Survey:

http://www.saj.usace.army.mil/permit/forms/customer_service.htm.
Your input is appreciated - favorable or otherwise.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul L. Grosskruger". The signature is written in a cursive style with a horizontal line extending to the right.

Paul L. Grosskruger
Colonel, U.S. Army
District Commander

Enclosures

Copies Furnished:

Thomas F. Ries, Vice President
Scheda Ecological Associates, Inc.
5892 E. Fowler Avenue
Tampa, Florida 33617

bcc:
CESAJ-RD-PE

GENERAL CONDITIONS
33 CFR PART 320-330

PUBLISHED FEDERAL REGISTER DATED 13 NOVEMBER 1986

1. The time limit for completing the work authorized ends on March 18, 2007. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow a representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

SELF-CERTIFICATION STATEMENT OF COMPLIANCE

Permit Number: NW-27

Application Number: SAJ-2006-7517-MEP

Permittee's Name & Address (please print or type): _____

Telephone Number: _____

Location of the Work: _____

Date Work Started: _____ Date Work Completed: _____

Description of the Work (e.g., bank stabilization, residential or commercial filling, docks, dredging, etc.): _____

Acreage or Square Feet of Impacts to Waters of the United States: _____

Describe Mitigation completed (if applicable): _____

Describe any Deviations from Permit (attach drawing(s) depicting the deviations): _____

I certify that all work, and mitigation (if applicable) was done in accordance with the limitations and conditions as described in the permit. Any deviations as described above are depicted on the attached drawing(s).

Signature of Permittee

Date

DEPARTMENT OF THE ARMY PERMIT TRANSFER REQUEST

Permit Number: NW-27

Application Number: SAJ-2006-7517-MEP

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. Although the construction period for works authorized by Department of the Army permits is finite, the permit itself, with its limitations, does not expire.

To validate the transfer of this permit and the associated responsibilities associated with compliance with its terms and conditions, have the transferee sign and date below and mail to the U.S. Army Corps of Engineers, Enforcement Branch, Post Office Box 4970, Jacksonville, FL 32232-0019.

(TRANSFEREE-SIGNATURE)

(SUBDIVISION)

(DATE)

(LOT)

(BLOCK)

(NAME-PRINTED)

(STREET ADDRESS)

(MAILING ADDRESS)

(CITY, STATE, ZIP CODE)

STANDARD MANATEE CONSTRUCTION CONDITIONS

2005

1. The permittee shall comply with the following manatee protection construction conditions:
 - a. All personnel associated with the project shall be instructed about the presence of manatees and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
 - b. All vessels associated with the construction project shall operate at "No Wake/Idle Speed" at all times while in the construction area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
 - c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not block manatee entry to or exit from habitat.
 - d. All construction personnel are responsible for observing water-related activities for the presence of manatee(s). All equipment, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
 - e. Any collision with or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-FWCC. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-232-2580) for north Florida or Vero Beach (1-561-562-3909) for south Florida.
 - f. Temporary signs concerning manatees shall be posted prior to and during all construction/dredging activities. All signs are to be removed by the permittee upon completion of the project. Awareness signs that have already been approved for this use by the Florida Fish and Wildlife Conservation Commission (FWC) must be used. One sign measuring at least 3 ft. by 4 ft. which reads *Caution: Manatee Area* must be posted. A second sign measuring at least 8 1/2" by 11" explaining the requirements for Idle Speed and the shut down of equipment must be posted in a location prominently visible to water-related construction crews.

FWC Approved Manatee Educational Sign Suppliers

ASAP Signs & Designs

624-B Pinellas Street
Clearwater, FL 33756
Phone: (727) 443-4878
Fax: (727) 442-7573

Wilderness Graphics, Inc.

P. O. Box 1635
Tallahassee, FL 32302
Phone: (850) 224-6414
Fax: (850) 561-3943
www.wildernessgraphics.com

Cape Coral Signs & Designs

1311 Del Prado Boulevard
Cape Coral, FL 33990
Phone: (239) 772-9992
Fax: (239) 772-3848

Municipal Supply & Sign Co.

1095 Fifth Avenue, North
P. O. Box 1765
Naples, FL 33939-1765
Phone: (800) 329-5366 or
(239) 262-4639
Fax: (239) 262-4645
www.municipalsigns.com

Vital Signs

104615 Overseas Highway
Key Largo, FL 33037
Phone: (305) 451-5133
Fax: (305) 451-5163

Universal Signs & Accessories

2912 Orange Avenue
Ft. Pierce, FL 34947
Phone: (800) 432-0331 or
(772) 461-0665
Fax: (772) 461-0669

New City Signs

1829 28th Street North
St. Petersburg, FL 33713
Phone: (727) 323-7897
Fax: (727) 323-1897

**United Rentals Highway
Technologies**

309 Angle Road
Ft. Pierce, FL 34947
Phone: (772) 489-8772
or (800) 489-8758 (FL only)
Fax: (772) 489-8757

CAUTION: MANATEE HABITAT

IDLE SPEED

is required if operating a vessel in the construction area.

SHUT DOWN

**All Equipment
(including vessels)
if a manatee comes**

within 50 feet of operation

Report any collision with or injury to a manatee
to the **Florida Fish and Wildlife Conservation Commission** at:

1-888-404-FWCC

(1-888-404-3922)

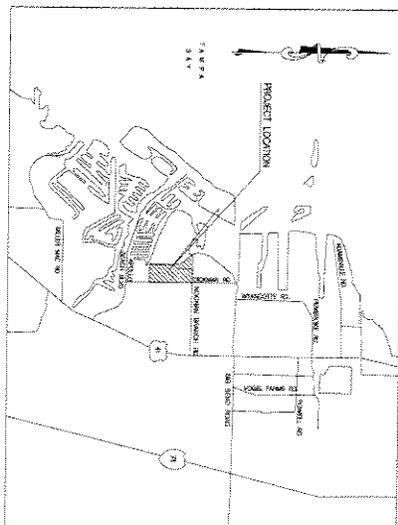
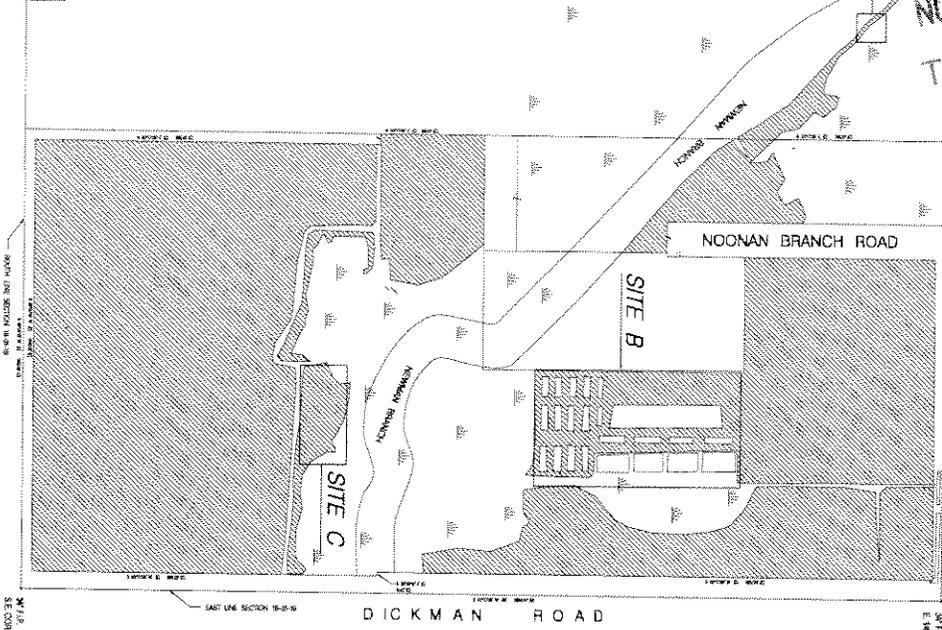
RECEIVED
 NOV 17 2006
 TAMPA REG. OFFICE

SECTION 16, RANGE 31 SOUTH, TOWNSHIP 19 EAST
 HILLSBOROUGH COUNTY, FLORIDA

TECO LANDS FOLIO # 51841.5000

TECO LANDS FOLIO # 51841.5000

NEWMAN BRANCH FISHERY
 HABITAT RESTORATION PROJECT



INDEX OF DRAWINGS

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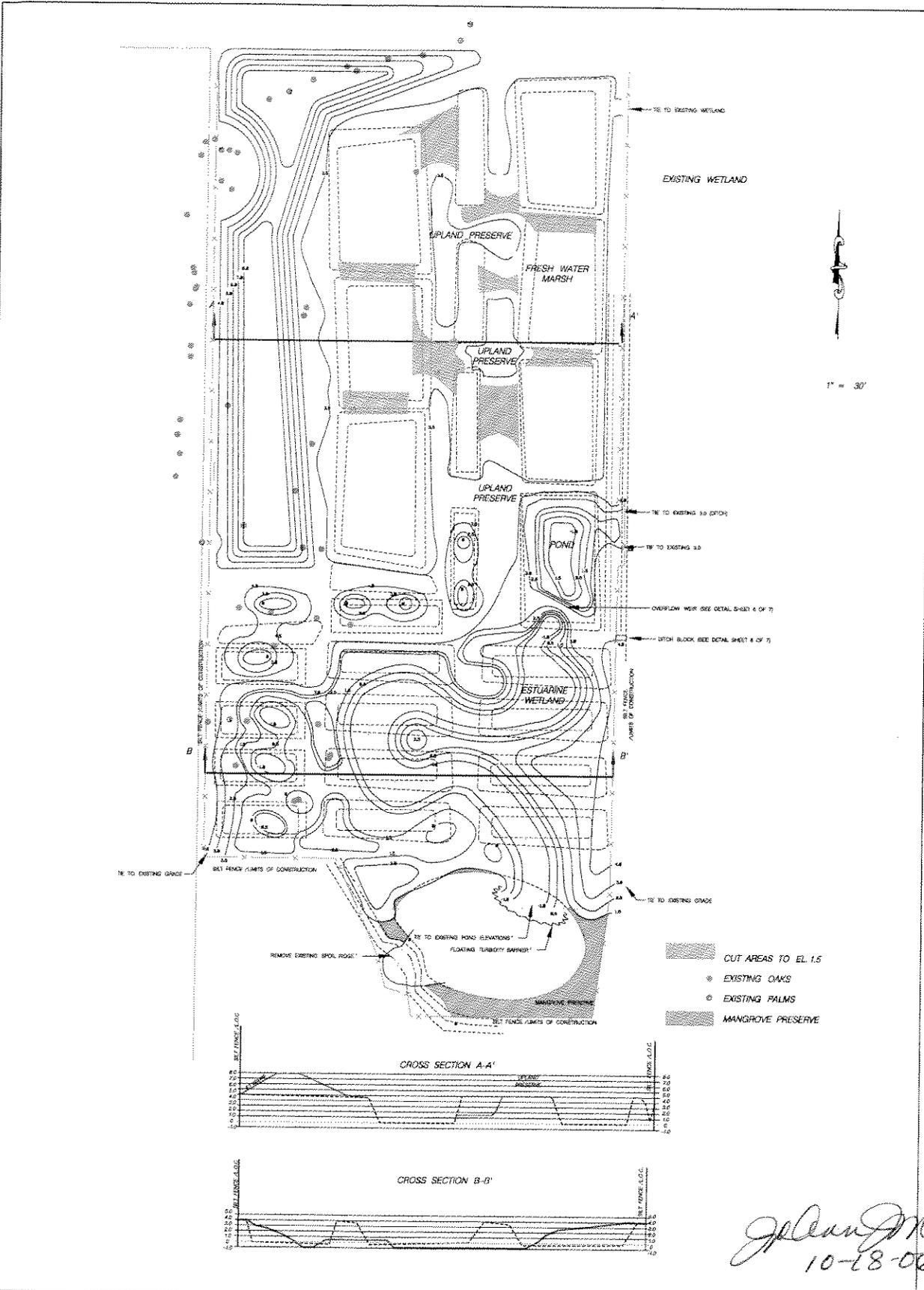
SCHMATA ECOLOGICAL ASSOCIATES, INC.
 PEER, INC.
 TAMPA ELECTRIC

John Mackina
 10-18-06

Permit No. SAJ-2006-7517-MEP
 Applicant: SWFWMD
 CESAJ-RD-SW-T
 Date: 28-Nov-2006
 Page 1 of 7

PREPARED BY:
 SCHMATA ECOLOGICAL ASSOCIATES, INC.
 5882 EAST FOWLER AVENUE
 TAMPA, FLORIDA 33617
 IN ASSOCIATION WITH:
 PEER, INC.

PREPARED FOR:
 NEWMAN BRANCH FISHERY
 HABITAT RESTORATION PROJECT



1" = 30'

J. Alan Mackena
10-18-06

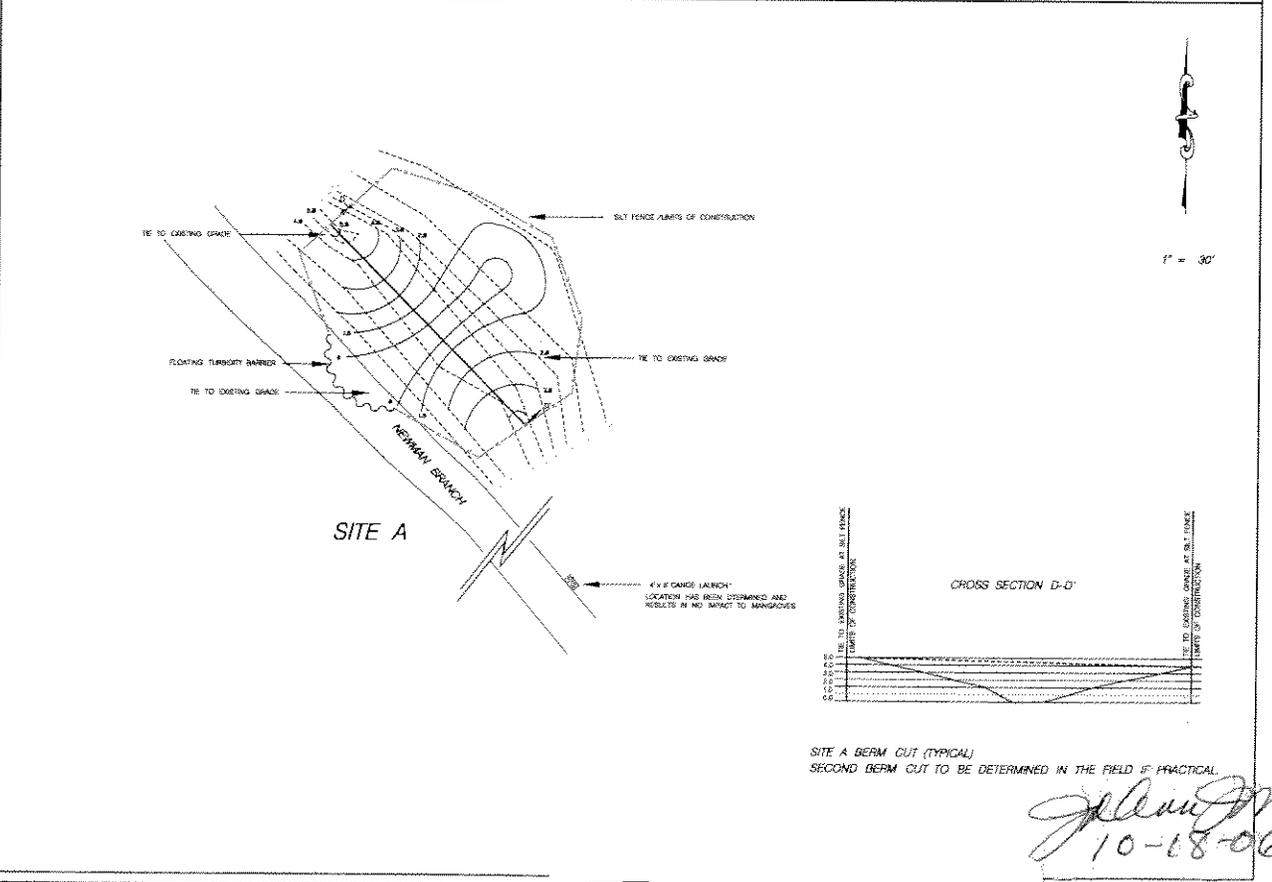
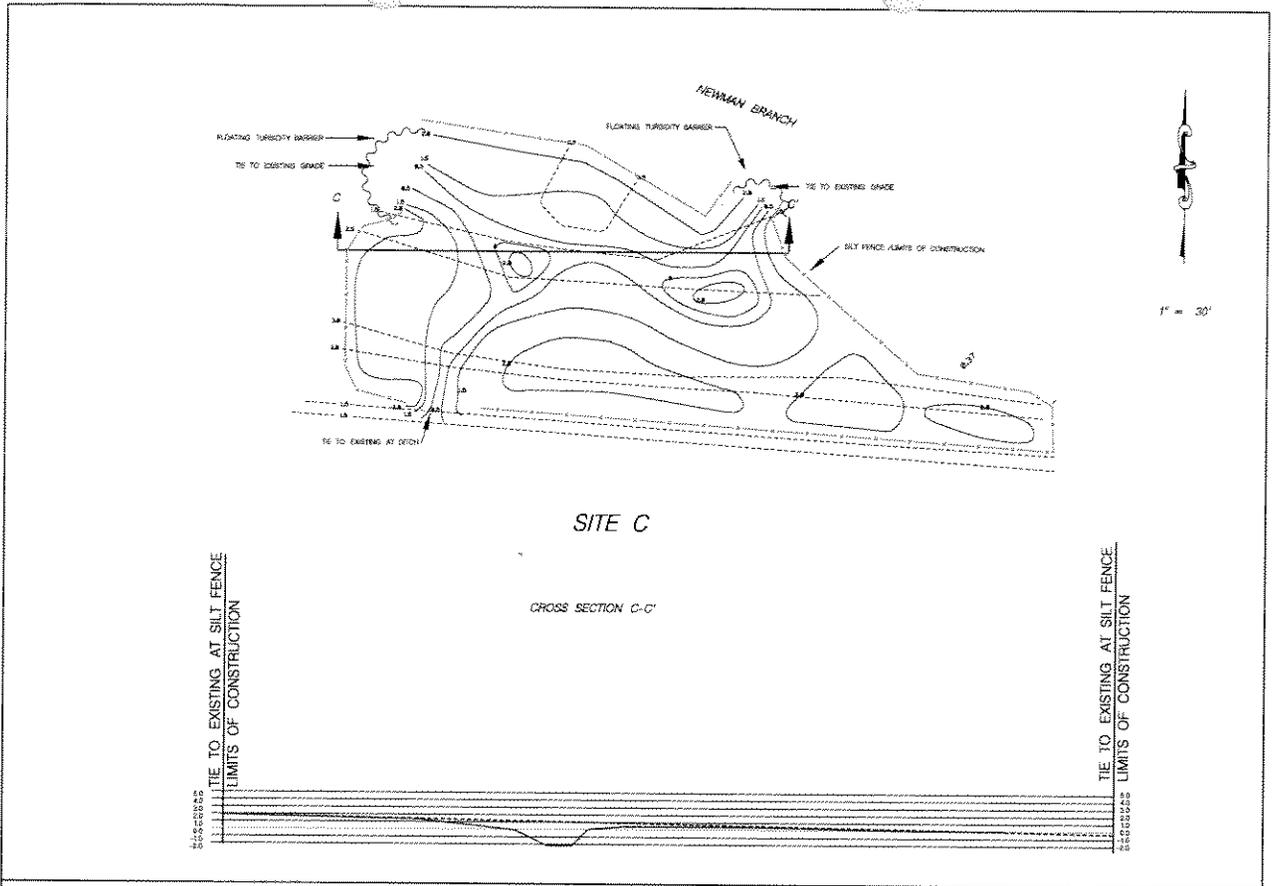
PREPARED FOR:
NEWMAN BRANCH FISHERIES
HABITAT RESTORATION PROJECT

**GRADING PLAN
SITE B**



Permit No. SAI-2006-7517-MEP
Applicant: SWFWMD
CESAJ-RD-SW-T
Date: 28-Nov-2006
Page 2 of 7

OLOGICAL ASSOCIATES, INC.
3631 FOWLER AVENUE
P.O. BOX 1000
PEER, INC.



DATE	3 OF 7
PREPARED FOR:	NEWMAN BRANCH FISHERIES HABITAT RESTORATION PROJECT

**GRADING PLAN
SITES C AND A**



Permit No. SAJ-2006-7517-MEP
 Applicant: SWFWMD
 CESAJ-RD-SW-T
 Date: 28-Nov-2006
 Page 3 of 7

John MacLina
 10-18-06

FLORIDA COASTAL ASSOCIATES, INC.
 151 POWELL AVENUE
 SA, FLORIDA 32067
 PIERER, INC.

1" = 30'

- PALUSTRINE**
- 0.22 AC - *Scirpus validus* (0.16 - 2.6)
 - 0.30 AC - *Sagittaria arifolia* (0.23 - 3.6)
- ESTUARINE**
- 0.26 AC - *Spartina alterniflora* (0.03 - 1.3)
 - 0.16 AC - *Spartina patens* and *Paspalum vaginatum* (1.3 - 3.0)
 - 0.15 AC - *Spartina bakeri* (2.0)

PLANTING SPECIFICATION *SITE B						
Zone (Acres)	Elevation NGVD	Species		Size	Spacing	Quantity
		Scientific Name	Common Name			
Estuarine 0.56 Acres	0.5 to 1.5	<i>Spartina alterniflora</i>	Smooth Cordgrass	2" cells	3' o.c.	1300
	1.5 to 3.0	<i>Spartina patens</i>	Salt Meadow Cordgrass	2" cells	3' o.c.	325
		<i>Paspalum vaginatum</i>	Seashore Paspalum	2" cells	3' o.c.	400
	3.0	<i>Spartina bakeri</i> *	Sand Cordgrass	2" cells	3' o.c.	726
Palustrine 0.51 Acres	1.5 to 2.5	<i>Scirpus validus</i>	Soft Stem Bulrush	2" cells	3' o.c.	550
	2.5 to 3.5	<i>Sagittaria lancifolia</i>	Giant Arrowhead	2" cells	3' o.c.	700

J. M. Mackinnon
10-18-06

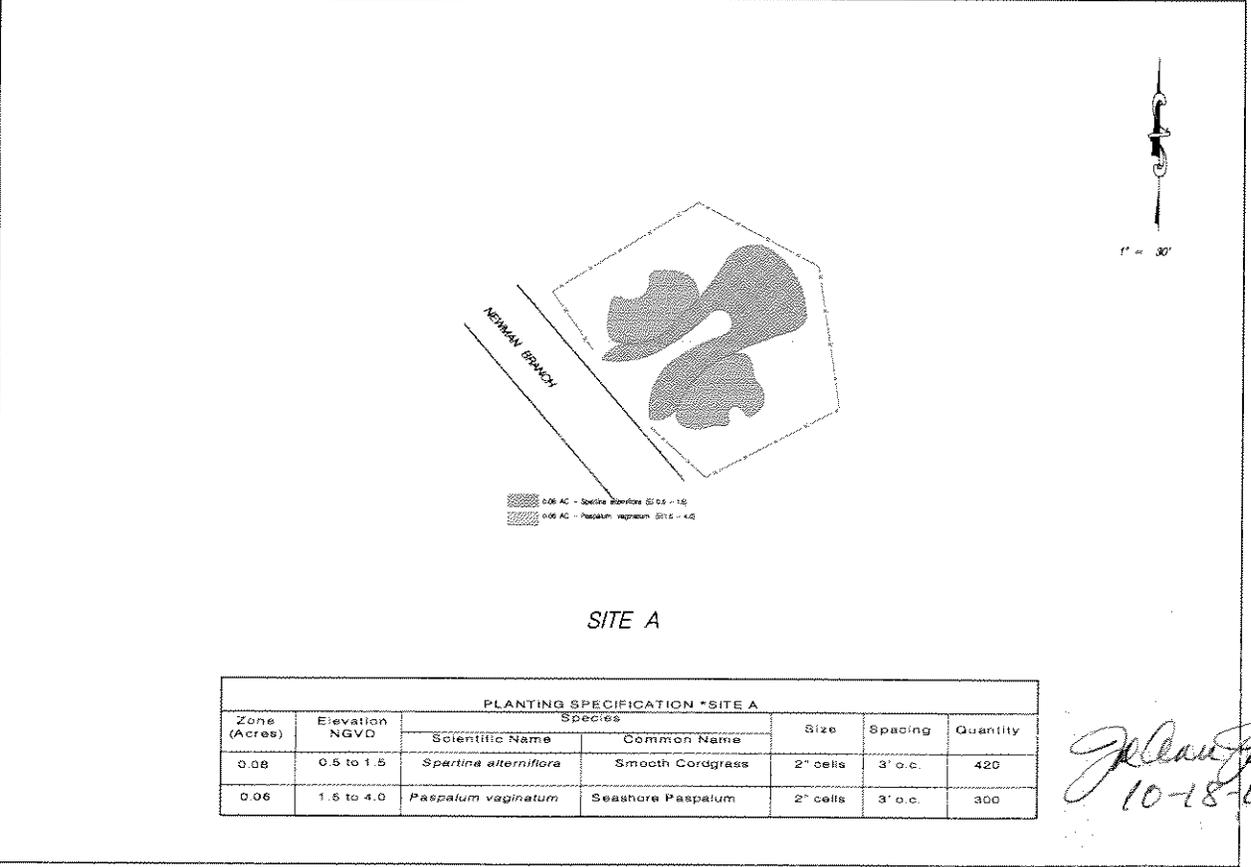
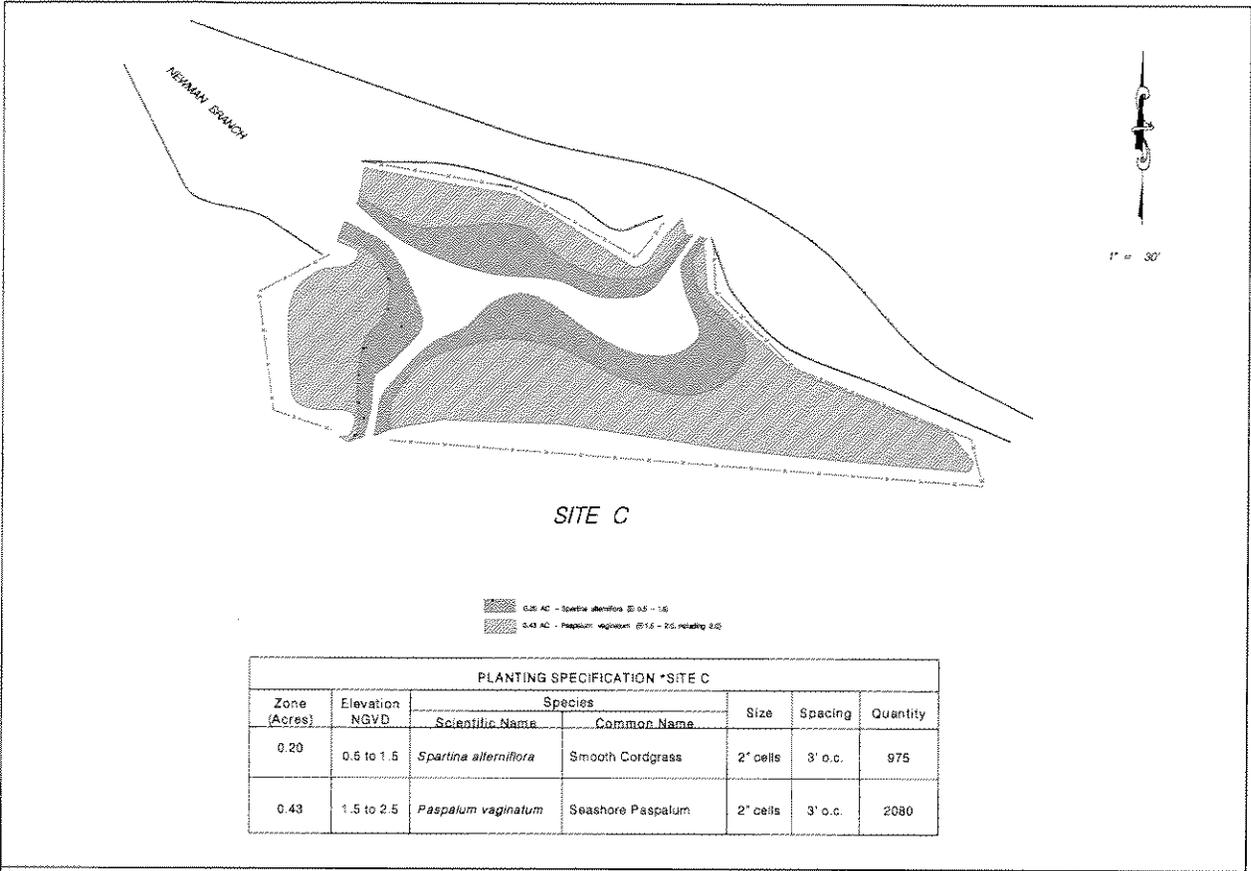
* to be planted in random groupings to achieve a natural appearance

4 of 7	PREPARED FOR NEWMAN BRANCH FISHERIES HABITAT RESTORATION PROJECT	PLANTING PLAN SITE B
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Permit No. SAJ-2006-7517-MEP
 Applicant: SWFWMD
 CESAJ-RD-SW-T
 Date: 28-Nov-2006
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LOGICAL ASSOCIATES, INC.
 57 FOWLER AVENUE
 A, FLORIDA 32617
 PEER, INC.



J. Lewis Mackinnon
10-18-06

CONTRACTOR NOTES

1. ALL CONSTRUCTION IS TO BE IN ACCORDANCE WITH LOCAL BUILDING REGULATIONS
2. THE CONTRACTOR SHALL MAINTAIN TEMPORARY EROSION CONTROL MEASURES THROUGHOUT CONSTRUCTION IN ACCORDANCE WITH APPROVED EROSION STABILIZATION AND CONTROL MEASUREMENTS
3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL EXISTING UTILITIES AND SERVICES AT ALL TIMES. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL EXISTING UTILITIES AND SERVICES AT ALL TIMES. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL EXISTING UTILITIES AND SERVICES AT ALL TIMES.
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Item	Quantity	Unit	Price
1.00	234.40	cu. yd.	11.13
2.00	4302.07	cu. yd.	4448.83
3.00	1775.83	cu. yd.	1.81



Permit No. SAJ-2006-7517-MEP
 Applicant: SWFWMD
 CESAJ-RD-SW-T
 Date: 28-Nov-2006
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LOGICAL ASSOCIATES, INC.
 151 POWER AVENUE
 LA FLORIDA 33017
 PEER, INC.

PREPARED FOR:
 MEMPHIS BRANCH FISHERY
 HABITAT RESTORATION PROJECT

GENERAL NOTES

J. Maccina
 10-18-06