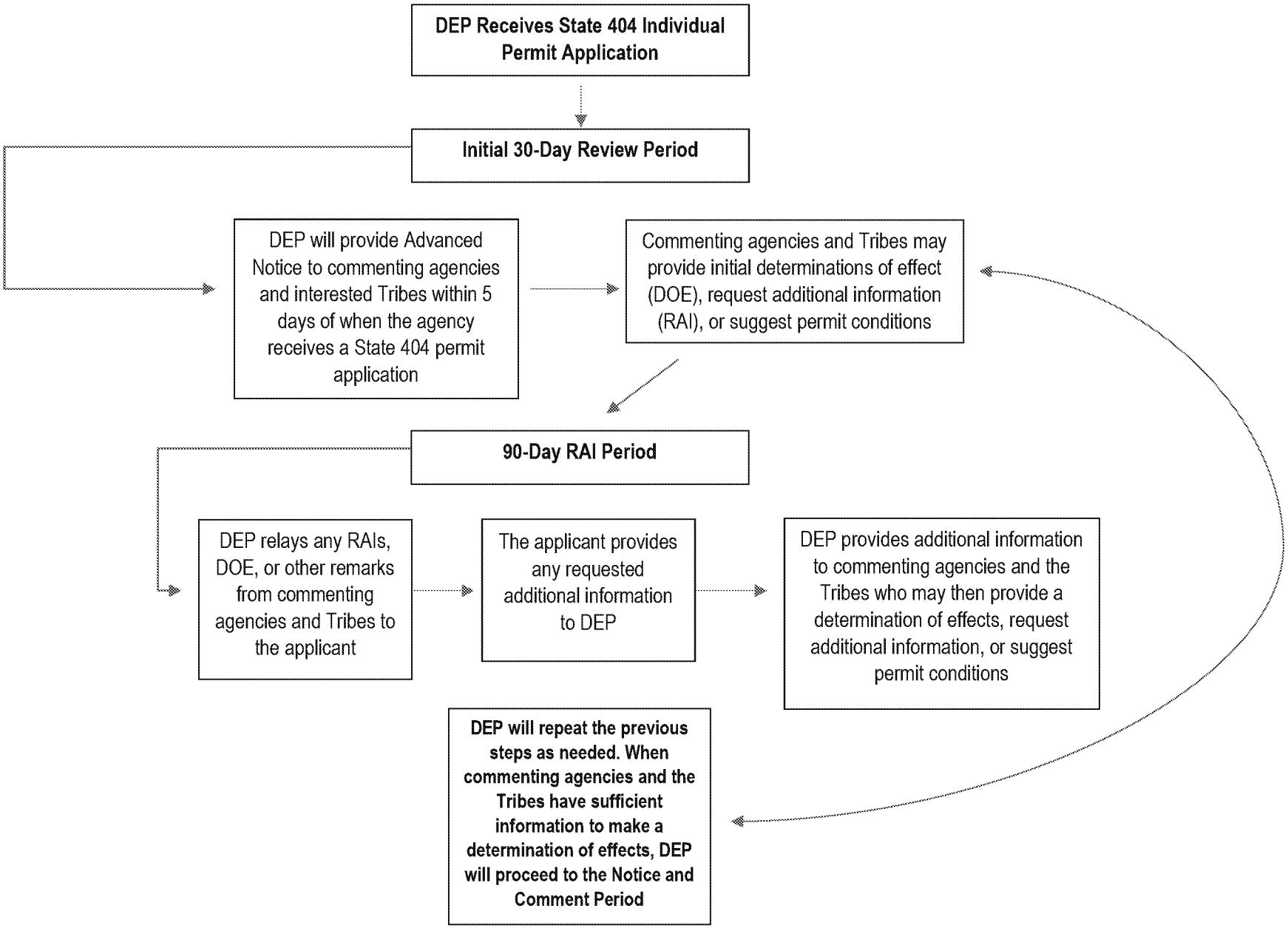
The information contained in these flow charts is for information purposes only. It does not alter or change any provisions of the Programmatic Agreement, Operating Agreement, or state or federal law, and any unintended discrepancies will be governed by these authorities.



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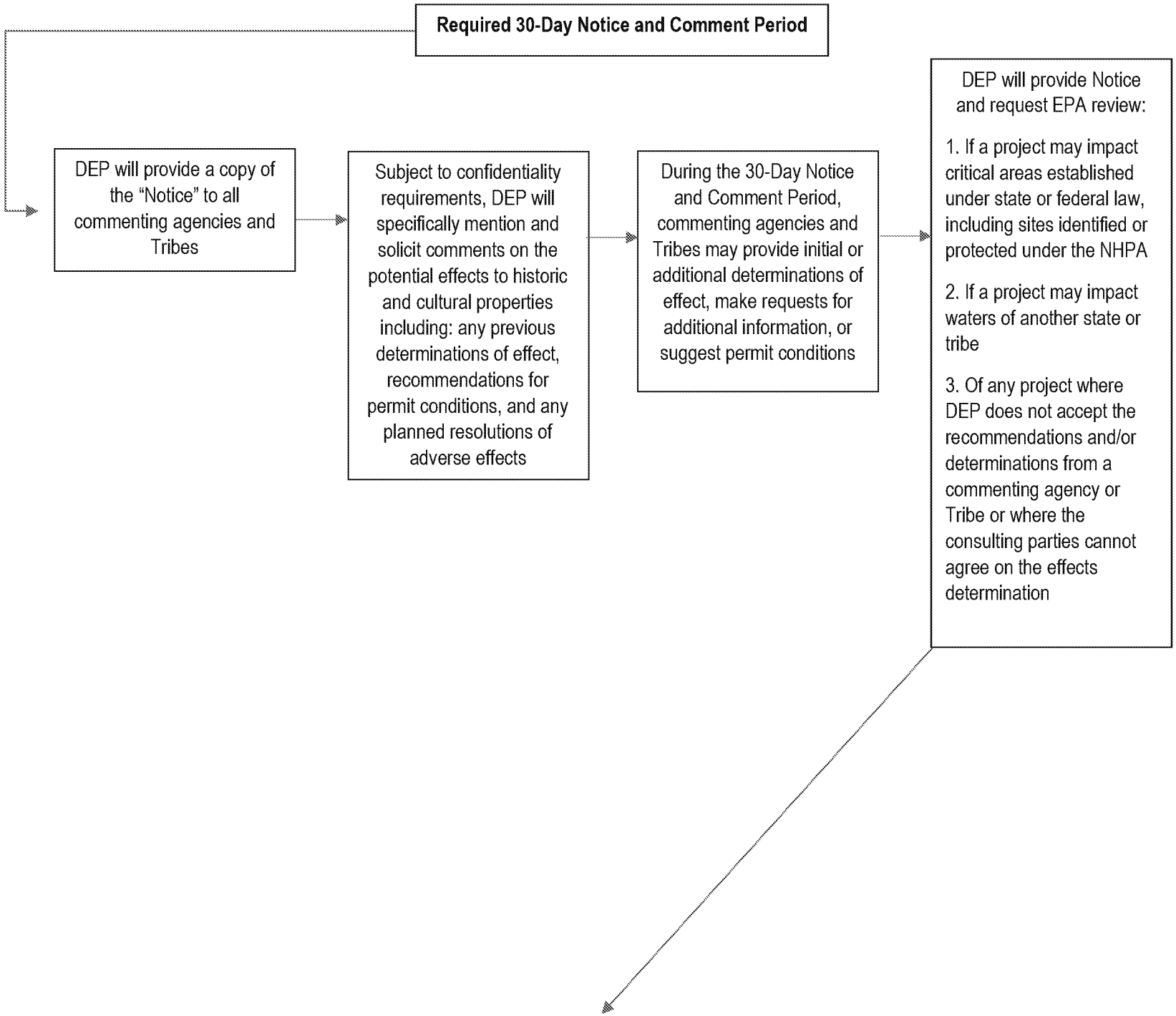

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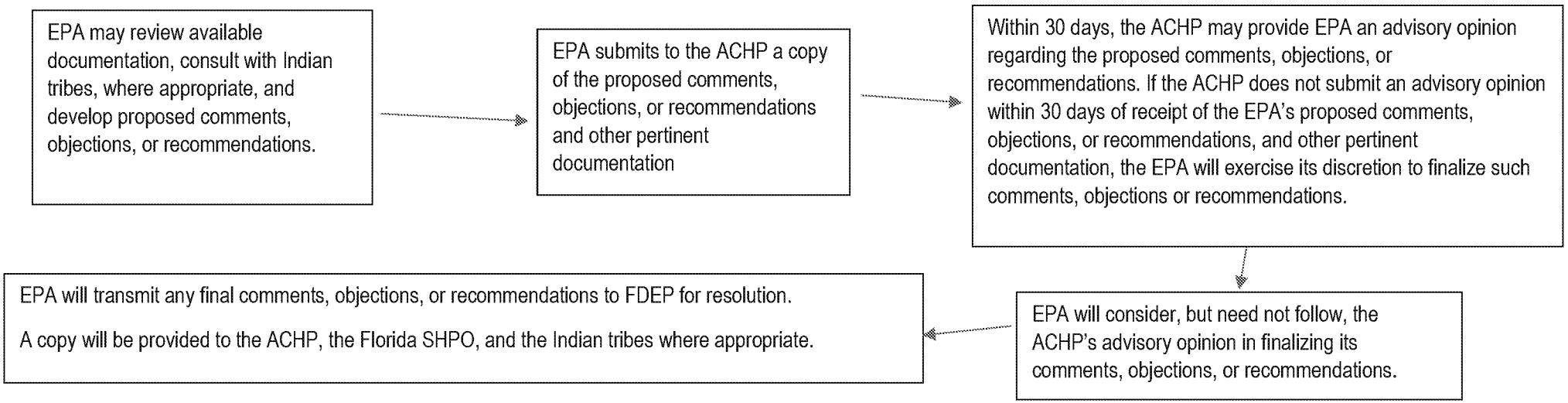
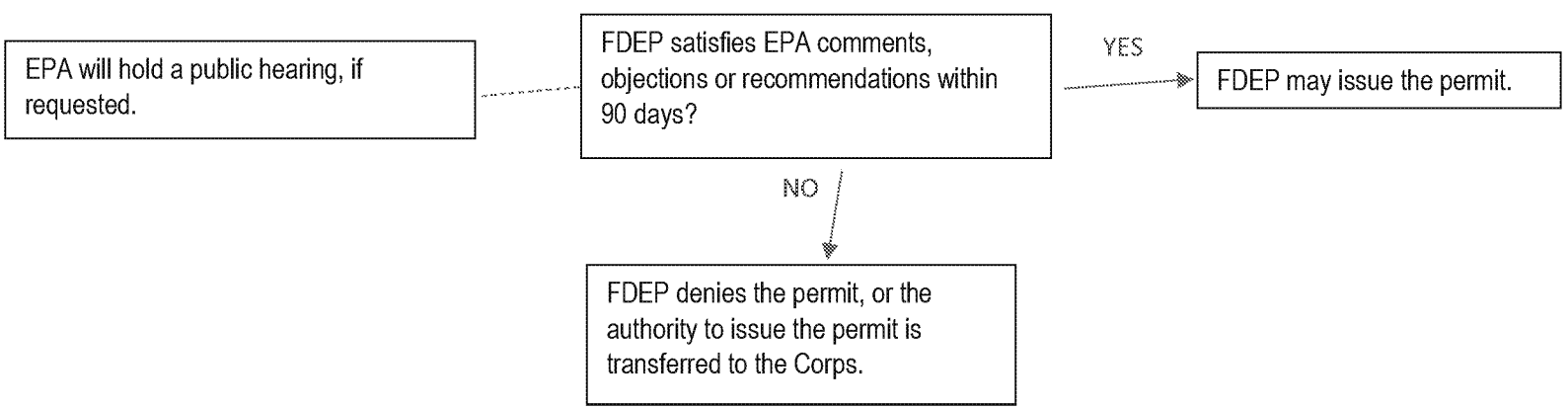
EPA Review Process

The following process reflects a hypothetical scenario where a permit application is raised for EPA review under the provisions of the Programmatic Agreement.

90 Day Review Period



If EPA objects to a proposed permit…



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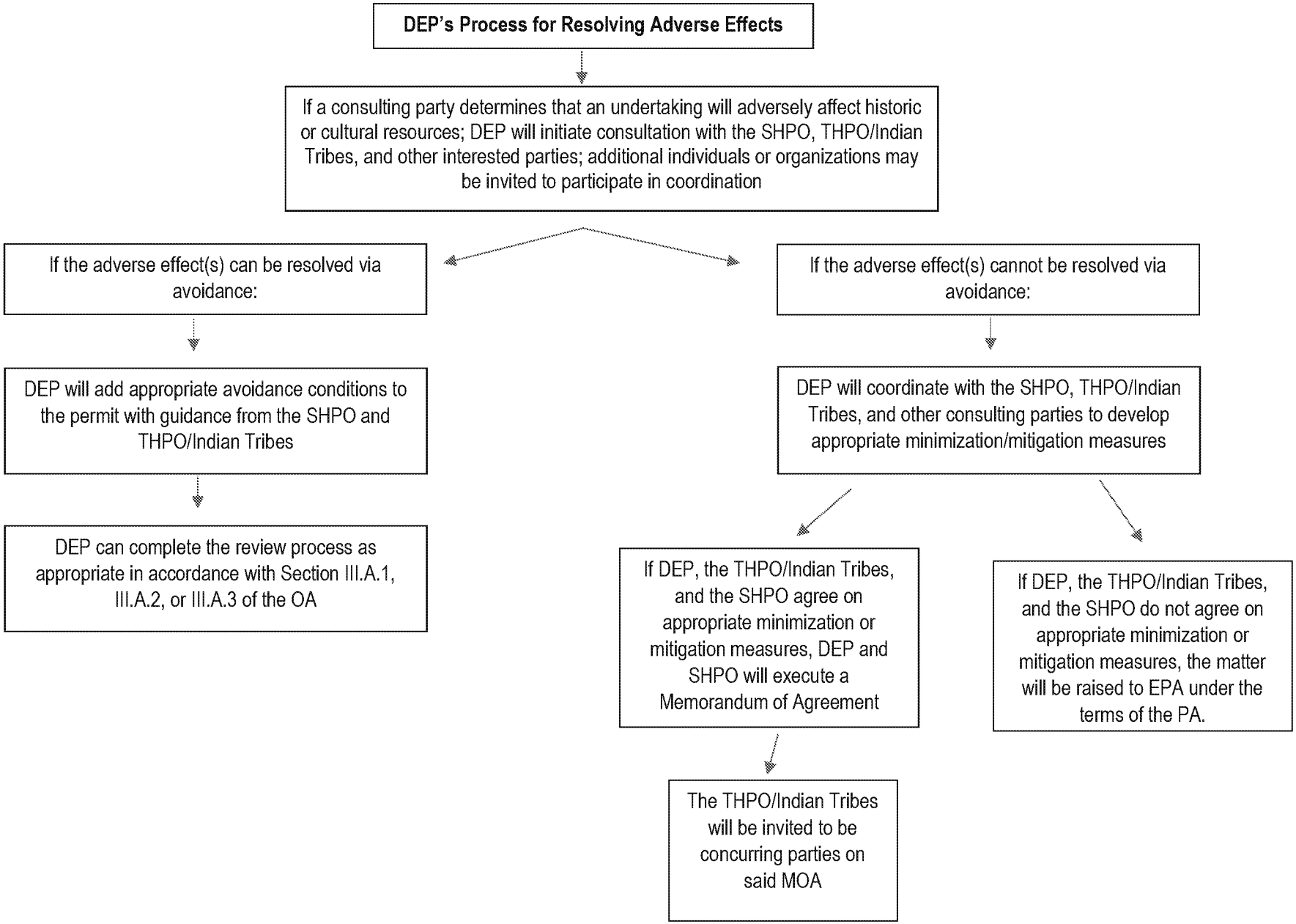

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Final Agency Action

- When deciding whether to issue or deny a State 404 permit application, DEP must consider the effects of the proposed activity on historic and cultural properties; these effects are identified by commenting agencies and Tribes during the application review process
- DEP cannot issue a State 404 permit where adverse effects to historic properties remain unresolved
- All DEP decisions on whether to issue a permit are challengeable under 62-331.010(11), *Florida Administrative Code*
- All issued State 404 Permits will include the following clause: "*In the event of an unanticipated discovery, effects to historic resources, or the identification of unmarked human remains, the Department shall notify the SHPO and THPO/Indian Tribes on the same day the Department is notified by the permittee. Activity authorized by the permit shall not resume without written authorization from the Department, SHPO, and THPO/Indian Tribes.*"