



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
400 HIGH POINT DRIVE, SUITE 600
COCOA, FLORIDA 32926

March 19, 2019

Regulatory Division
North Permits Branch
Cocoa Permits Section

PUBLIC NOTICE
(15-day comment period requested)

Permit Application Number SAJ-2019-00902(SP-AWP)

TO WHOM IT MAY CONCERN: The Jacksonville District of the U.S. Army Corps of Engineers (Corps) has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344) as described below:

APPLICANT: Central Florida Expressway Authority
Attn: Joseph Berenis
4974 ORL Tower Road
Orlando, Florida 32807

WATERWAY AND LOCATION: The project would affect waters of the United States associated with the Econlockhatchee River. The project site is located on State Road (SR) 528 between Innovation Way and SR 520, in Sections 25-30, Township 23 South, Range 32 East, Orange County, Florida.

Directions to the site are as follows: From the intersection of Innovation Way and SR 528 proceed east to SR 520. The proposed work occurs on both sides of SR 528.

APPROXIMATE CENTRAL COORDINATES:
Latitude 28.4521
Longitude -81.0745

PROJECT PURPOSE:

Basic: Road

Overall: Re-contour side slopes and bottom of the existing ditch system, originally constructed in 1965.

EXISTING CONDITIONS: The project area currently supports five different land use types/vegetative communities. These include both upland and freshwater wetland systems. The land use types/vegetative communities are classified and described using the Florida Land Use Cover and Forms Classification System (Florida Department of Transportation (FDOT), 1999). The existing land cover within the project limits consists of (FLUCCS): 814 Transportation, 534 Surface Waters, 630 Wetland Forested

Mixed, 630D Wetland Forested Mixed, Disturbed, and 640 – Herbaceous. A description of the wetland systems that are located within the project limits is provided as follows:

FLUCCS 814—Transportation (Roads and Highways)

These areas are comprised of the upland maintained limited access ROW as well as the paved portions of the roadway itself. Lands in this category are dominated by Bahiagrass (*Paspalum notatum*) and other various upland sedges and grass, with some areas containing remnant canopy species such as live oak (*Quercus virginiana*), laurel oak (*Quercus laurifolia*), slash pine (*Pinus elliotii*), red maple (*Acer rubrum*), cabbage palm (*Sabal palmetto*), and sweetgum (*Liquidambar styraciflua*). Scattered pockets of these upland areas are not mowed and consist of limited native groundcover, primarily saw palmetto (*Serenoa repens*) and immature canopy species. However these areas are not significant enough to classify as a separate community type.

FLUCCS 5341— Surface Waters

These freshwater, artificial surface waters are upland-cut ditches and convey stormwater linear to and underneath the SR 528 ROW through culverts. Dominant vegetative species include a mixture of Bahiagrass and various hydrophytic grasses and sedges, including beaked sedges (*Rhynchospora* spp.), roadgrass (*Eleocharis baldwinii*), flat sedges (*Cyperus* spp.), and broomsedge (*Andropogon virginicus*). Scattered pockets of these areas display more mucky-mineral soils and dominance of obligate wetland vegetation, such as immature creeping primrose (*Ludwigia repens*), maidencane (*Amphicarpum* spp.), torpedo grass (*Panicum repens*), and pickerelweed (*Pontederia cordata*). They primarily display steep side slopes and display evidence suggesting a seasonal high water elevation at or near surface to more than three feet of water. These surface waters do not provide significant habitat for wetland-dependent species and collect direct runoff from roadway stormwater.

FLUCCS 630—Wetland Forested Mixed

These systems are comprised of mixed forested wetlands, and are relatively intact, remnant forested wetlands located within the ROW. These areas display moderate evidence of previous impact/alteration to natural soils, historic/natural hydrology and historic vegetative composition. Dominant vegetative species include a mixture of cypress (*Taxodium* sp.), red maple, laurel oak, various bay tree species (*Gordonia* spp.), slash pine, cabbage palm, and Peruvian primrose willow, with a groundcover dominated by maidencane (*Panicum hemitomon*) and hydrophilic fern species. These areas are considered moderate-quality, remnant wetlands.

FLUCCS 630D—Wetland Forested Mixed, Disturbed

These freshwater wetlands consist of altered mixed forested wetlands comprised of previously cleared areas within the ROW which are routinely mowed and maintained. They are substantially altered from their native conditions and have scattered canopy trees such as laurel oak, live oak, slash pine, red maple, sweetgum, cypress, and cabbage palm. Natural soils, historic hydrology, and historic vegetative composition are predominately altered, but intact enough to be considered hydric/jurisdictional.

Dominant groundcover includes Bahiagrass and various hydrophytic grasses and sedges. These areas are considered low-quality, remnant wetlands.

FLUCCS 640—Herbaceous (Non-Forested) Wetlands

There are limited scattered pockets of herbaceous areas among the forested wetlands within the project limits. They are characteristic of altered herbaceous wetlands, comprised of primarily of overgrown opportunistic species, including cattail (*Typha spp.*), broomsedge, dogfennel (*Eupatorium capillifolium*), greenbriar (*Smilax spp.*), blackberry (*Rubus spp.*) and occasionally wax myrtle (*Myrica cerifera*) and saw palmetto. There are scattered immature tree species, less than four inches diameter at breast height (DBH), within these systems. Many of these areas contain other exotic species and show evidence of vegetation maintenance equipment such as rut patterns. These areas are considered low-quality, disturbed remnant wetlands.

PROPOSED WORK: The applicant seeks authorization to permanently dredge and fill 11.21 acres of waters of the United States (wetlands) and 4.39 acres of non-wetland waters associated with the re-contouring of the side slopes and bottom of the existing ditch system. The proposed maintenance activities would allow the surface water management system to function to its original design standard.

AVOIDANCE AND MINIMIZATION INFORMATION: The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: The proposed project has minimized impacts to natural systems to the greatest extent practicable by analyzing only areas necessary for stormwater storage. SR 528 is a dedicated hurricane evacuation route for motorists; therefore, attenuation volume is critical for this roadway during large storm events.

Over 60% of the existing stormwater collection system within the right-of-way limits is proposed to remain in its current state, based on engineering analysis, many of which areas contain jurisdictional wetlands and surface waters. Engineers analyzed locations where attenuation was most critically lost due to progressive erosion of the originally designed ditch systems. Additionally, an evaluation of vegetation overgrowth was performed. Furthermore, seasonal high water tables were compared with the availability of adjacent stormwater attenuation to ensure that stormwater is not compromising the structural integrity of the roadway. Combined, these factors were used to determine what areas were most important for stormwater collection. The restoration of the originally designed ditch backslopes is minimized significantly in areas with high water tables (see construction plans - cross sections), to ensure the hydroperiod of off-site wetlands does not adversely affect off-site vegetative communities.

Based on this analysis, the areas, shown on the Dredge and Fill Sketches, were selected for clearing and regrading. These limited locations provide the least environmentally damaging practicable alternative, while ensuring adequate storage of water during large storm events.

COMPENSATORY MITIGATION: The applicant has offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: Compensatory mitigation for adverse direct impacts to wetlands will be provided through the purchase of credits from a federally approved mitigation bank that services the project area.

CULTURAL RESOURCES: The Corps has determined the permit area has been extensively modified by previous work and there is little likelihood a historic property may be affected.

ENDANGERED SPECIES: The project is located within the U.S. Fish and Wildlife Service's (FWS) Consultation Area for the eastern indigo snake, wood stork, Florida scrub-jay, Audubon's crested caracara, Everglades snail kite, sand skink, and red cockaded woodpecker. The project site does not contain habitat suitable for Florida scrub-jay, Audubon's crested caracara, Everglades snail kite, sand skink, or red cockaded woodpecker. The Corps has determined the proposed work would have no effect to the Florida scrub-jay, Audubon's crested caracara, Everglades snail kite, sand skink, or red cockaded woodpecker.

The Corps completed an evaluation of the project based upon the August 13, 2013 updated addendum to the January 2010 North and South Florida Ecological Services Field Offices Programmatic Concurrence for use with the Eastern Indigo Snake. Use of the Key for the Eastern Indigo Snake resulted in the following sequential determination: A (The project is not located in open water or salt marsh.) >B (The permit will be conditioned for use of the Service's standard Protection Measures for the Eastern Indigo snake during site preparation and protection construction.) >C (There are no gopher tortoise burrows or other refugia.) = Not Likely to Adversely Affect (NLAA) with the applicant adherence to the standard protection measures for the Eastern Indigo Snake. Based upon the NLAA determination for the Eastern Indigo Snake no further coordination is required.

The Corps completed an evaluation of the project based upon the September 2008, North and Central Peninsular Florida Ecological Services Field Offices Programmatic Concurrence for use with the Wood Stork. Use of the Key for the Wood Stork resulted in the following sequential determination: A (Project is more than 2500 feet from a colony site.) > B (Project impacts SFH) >C (Impacts to SFH are greater than 0.5 acres) >D (Project impacts to SFH are within a Core Foraging Area.) >E (Project provides SFH compensation within the Service Area of a Service-approved wetland mitigation bank.) = NLAA. Based upon the NLAA determination for the Wood Stork no further coordination is required.

ESSENTIAL FISH HABITAT (EFH): The proposed action would have no effect to EFH.

NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance

with laws and regulation governing the regulatory program. The jurisdictional line has not been verified by Corps personnel.

AUTHORIZATION FROM OTHER AGENCIES: Water Quality Certification may be required from the Florida Department of Environmental Protection and/or one of the state Water Management Districts.

COMMENTS regarding the potential authorization of the work proposed should be submitted in writing to the attention of the District Engineer through the Cocoa Permits Section, 400 High Point Drive, Suite 600, Cocoa, Florida 32926 within 15 days from the date of this notice.

The decision whether to issue or deny this permit application will be based on the information received from this public notice and the evaluation of the probable impact to the associated wetlands. This is based on an analysis of the applicant's avoidance and minimization efforts for the project, as well as the compensatory mitigation proposed.

QUESTIONS concerning this application should be directed to the project manager, Andrew Phillips and Corey Maier, in writing at the Cocoa Permits Section, 400 High Point Drive, Suite 600, Cocoa, Florida, 32926, by electronic mail at andrew.w.phillips@usace.army.mil and Corey.M.Maier@usace.army.mil, by fax at (321)504-3803, or by telephone at (321)504-3771.

IMPACT ON NATURAL RESOURCES: Preliminary review of this application indicates that an Environmental Impact Statement will not be required. Coordination with U.S. Fish and Wildlife Service, Environmental Protection Agency (EPA), the National Marine Fisheries Services, and other Federal, State, and local agencies, environmental groups, and concerned citizens generally yields pertinent environmental information that is instrumental in determining the impact the proposed action will have on the natural resources of the area. By means of this notice, we are soliciting comments on the potential effects of the project on threatened or endangered species or their habitat

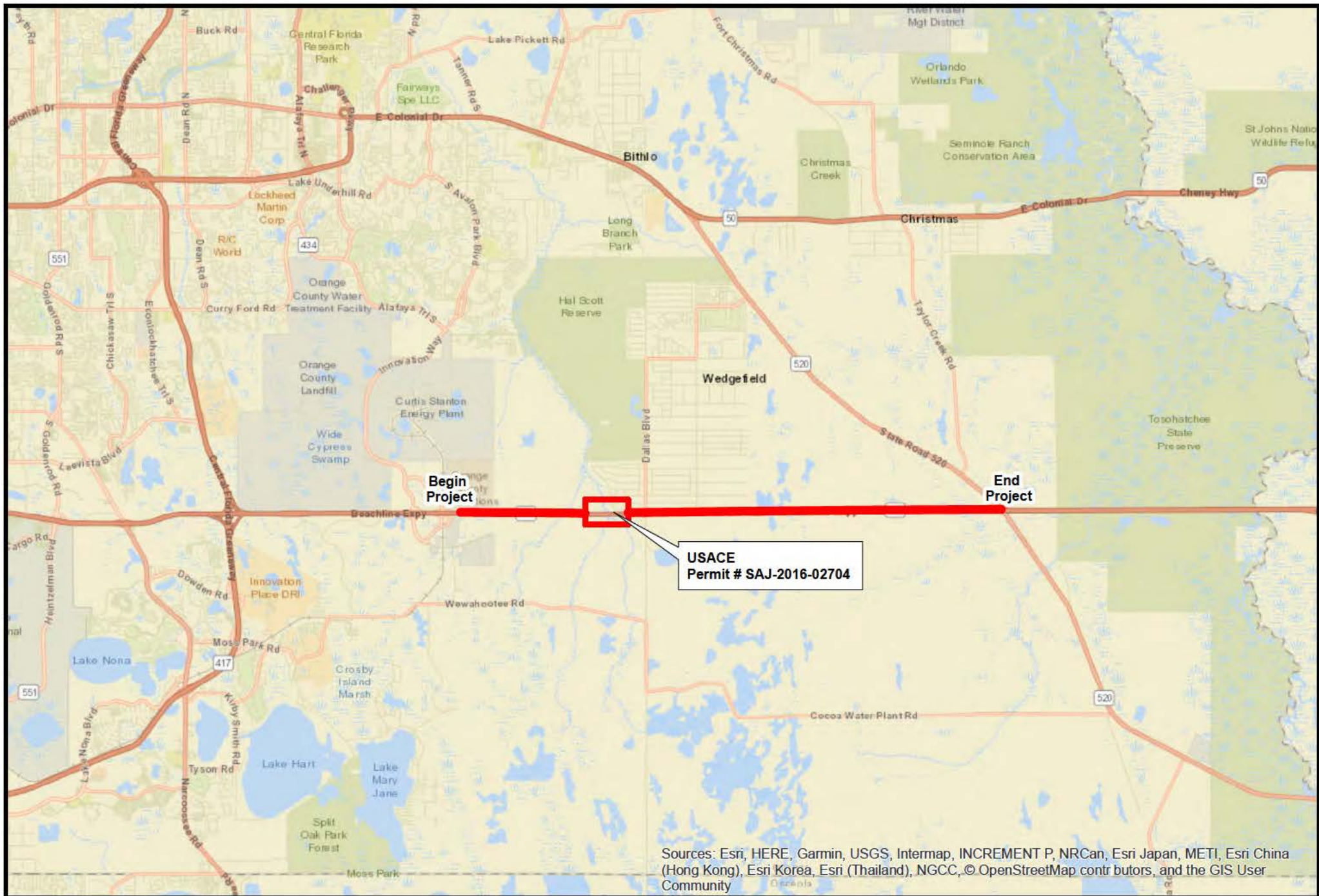
EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food, and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act of the criteria established under authority of Section 102(a) of the Marine Protection Research

and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

The US Army Corps of Engineers (Corps) is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other Interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

COASTAL ZONE MANAGEMENT CONSISTENCY: In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan. In Puerto Rico, a Coastal Zone Management Consistency Concurrence is required from the Puerto Rico Planning Board, in the Virgin Islands, the Department of Planning and Natural Resources permit constitutes compliance with the Coastal Zone Management Plan.

REQUEST FOR PUBLIC HEARING: Any person may request a public hearing. The request must be submitted in writing to the District Engineer within the designated comment period of the notice and must state the specific reasons for requesting the public hearing.



Regional Project Location Map

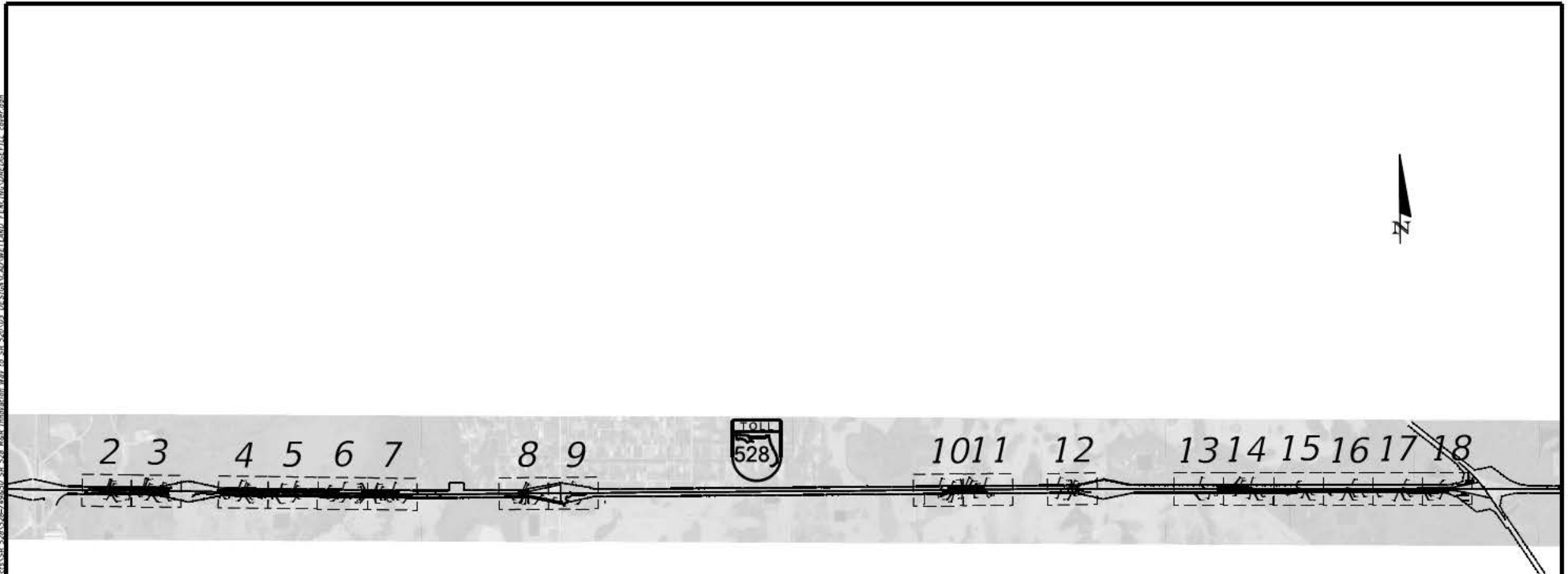
State Road 528 - Milling and Resurfacing
Orange County, Florida



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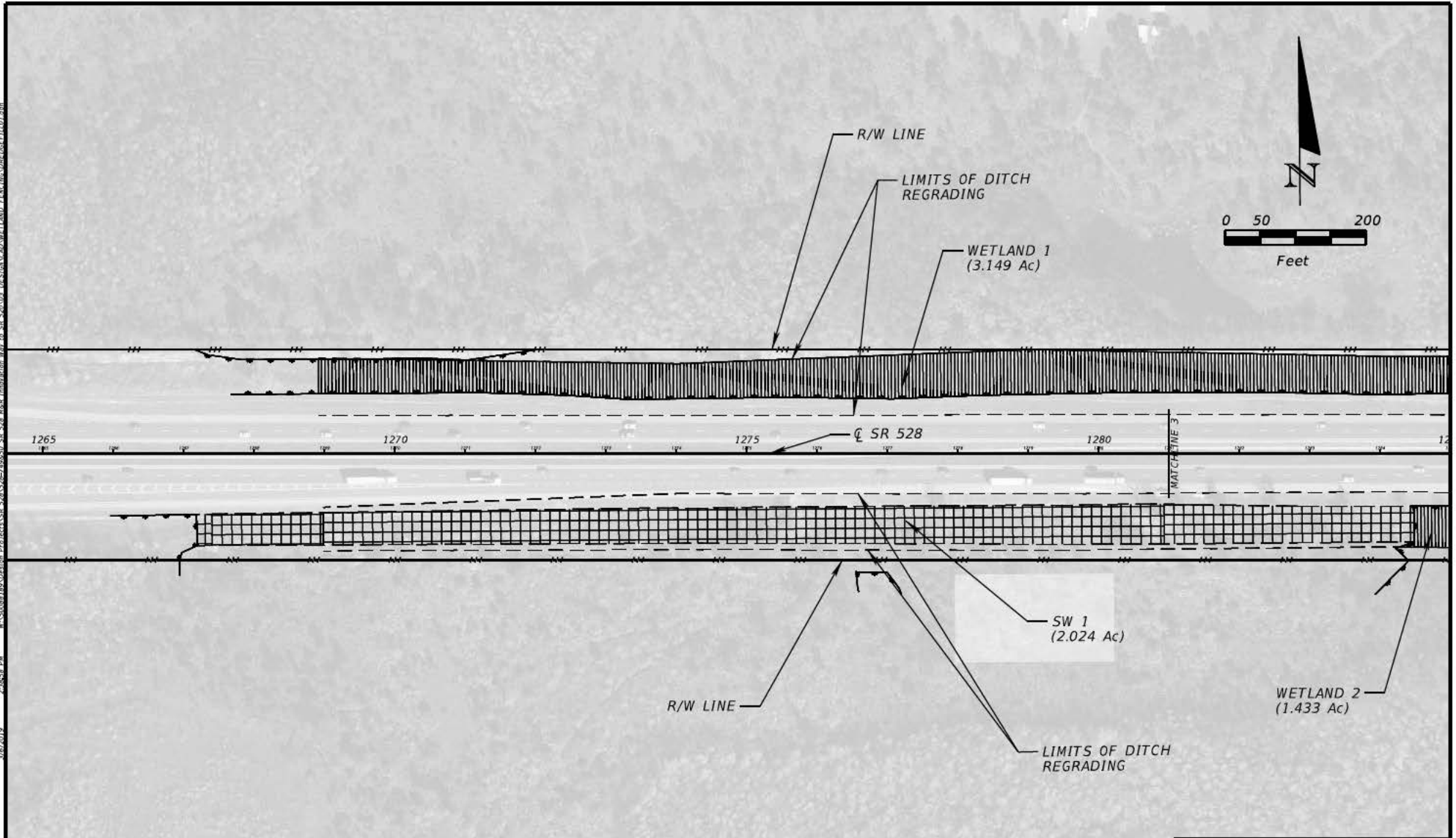
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
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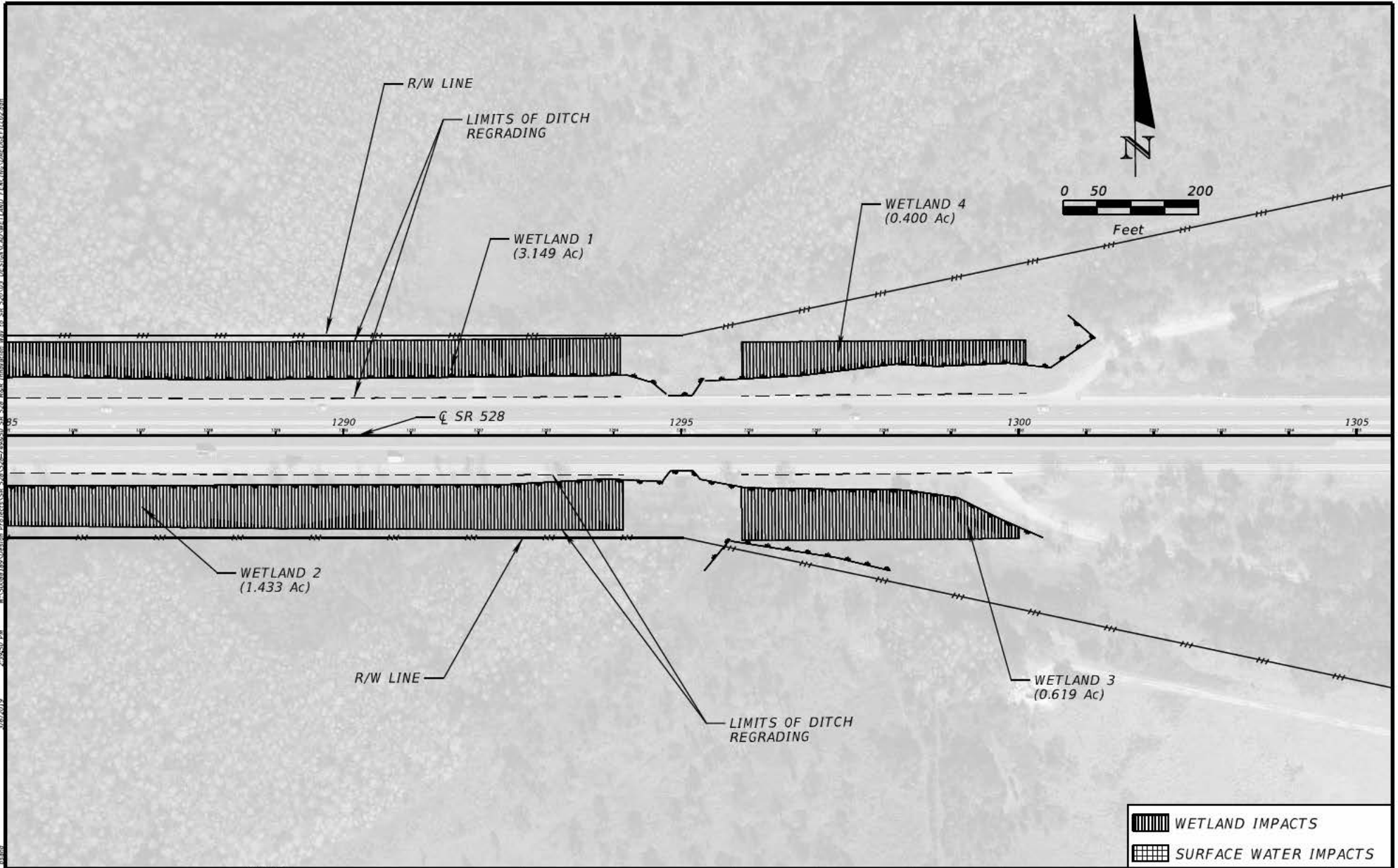
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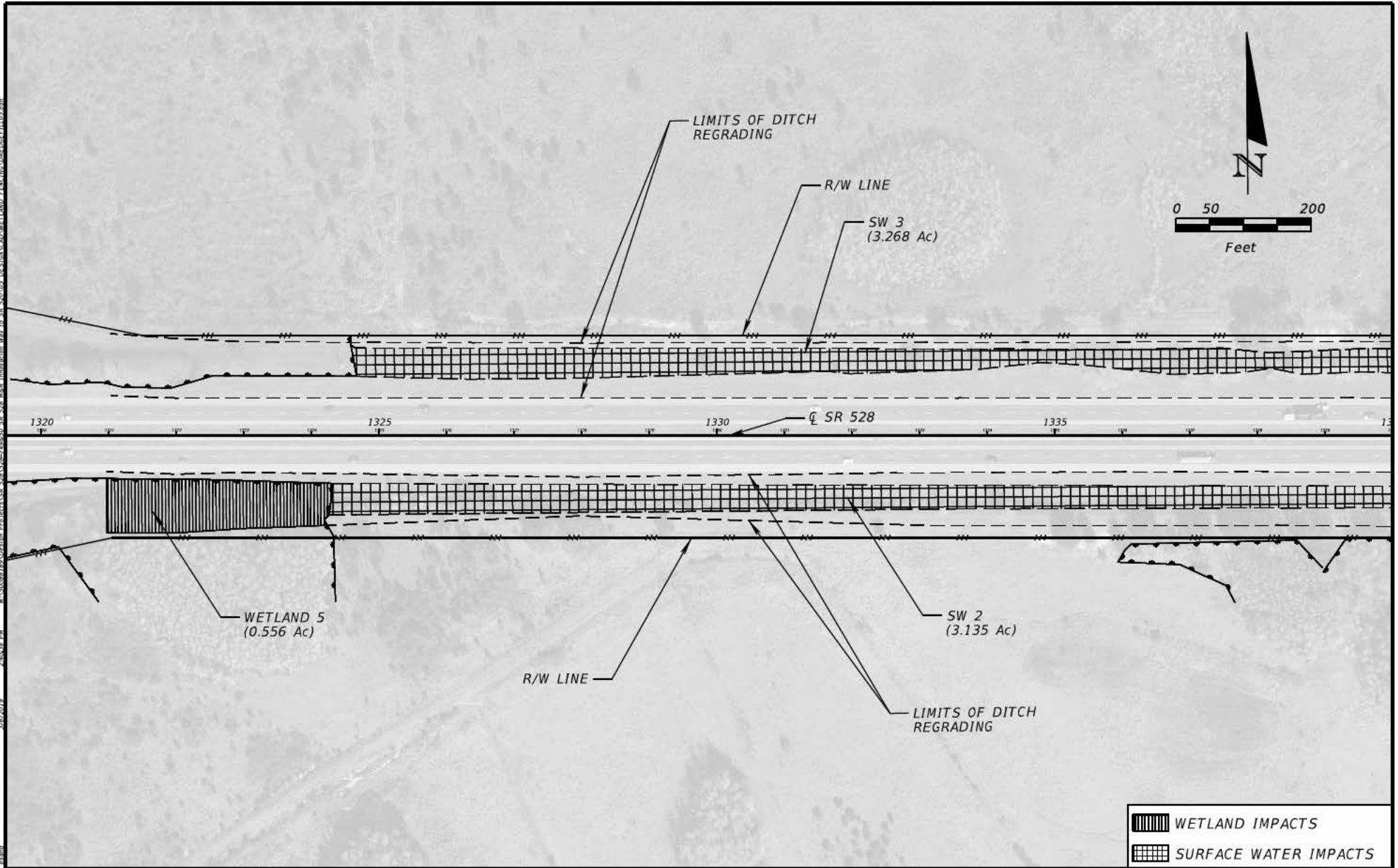



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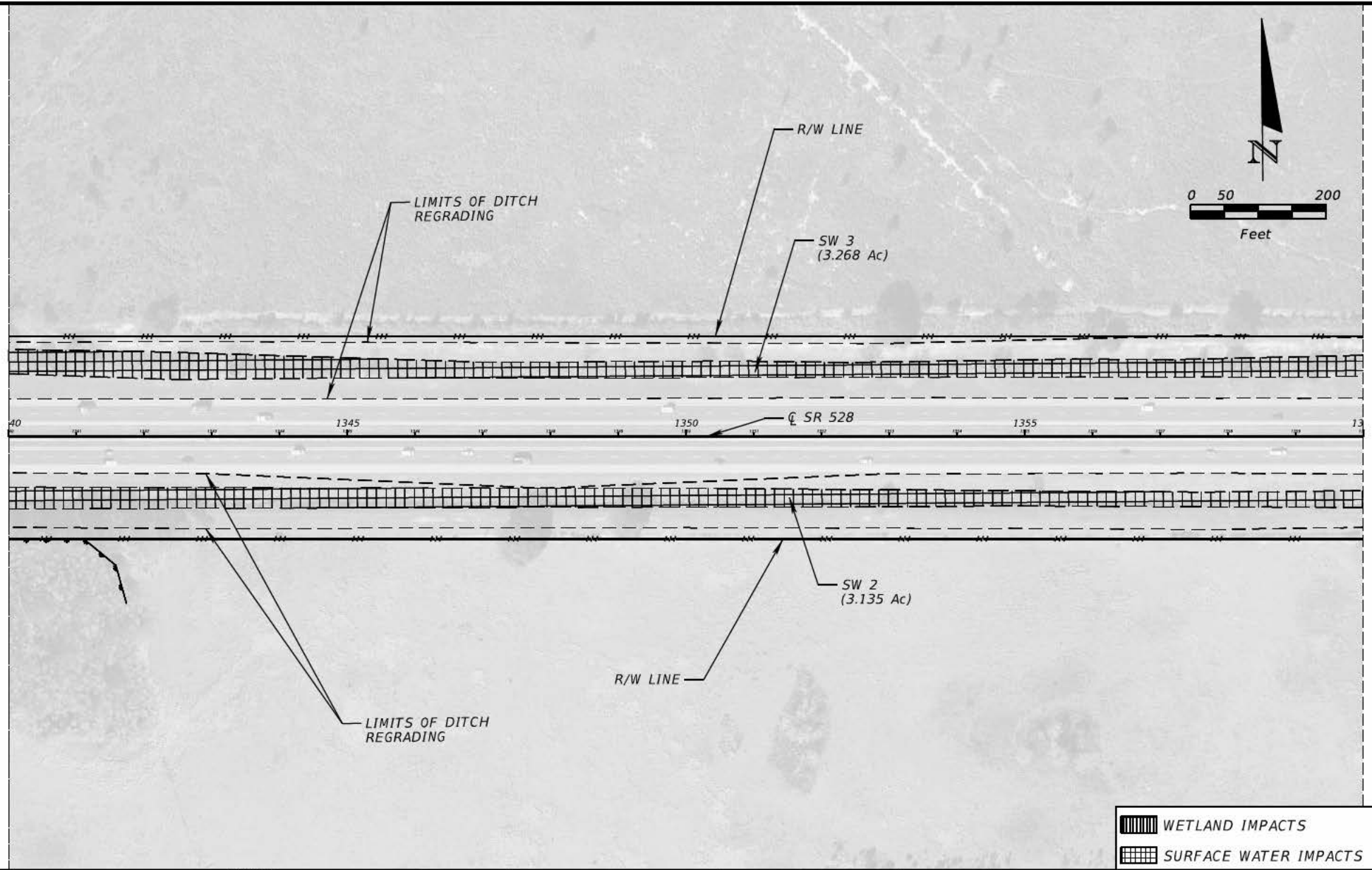



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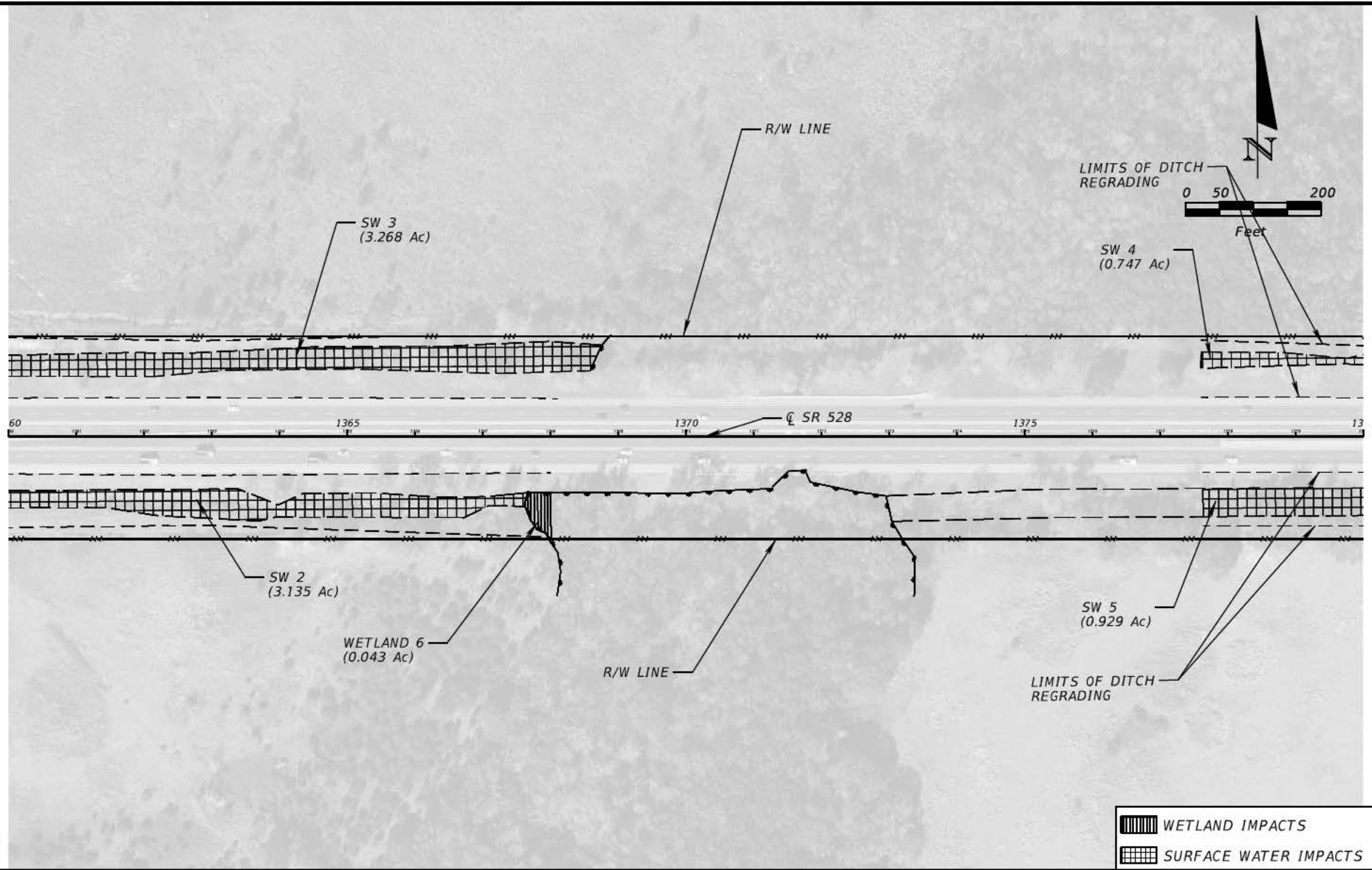
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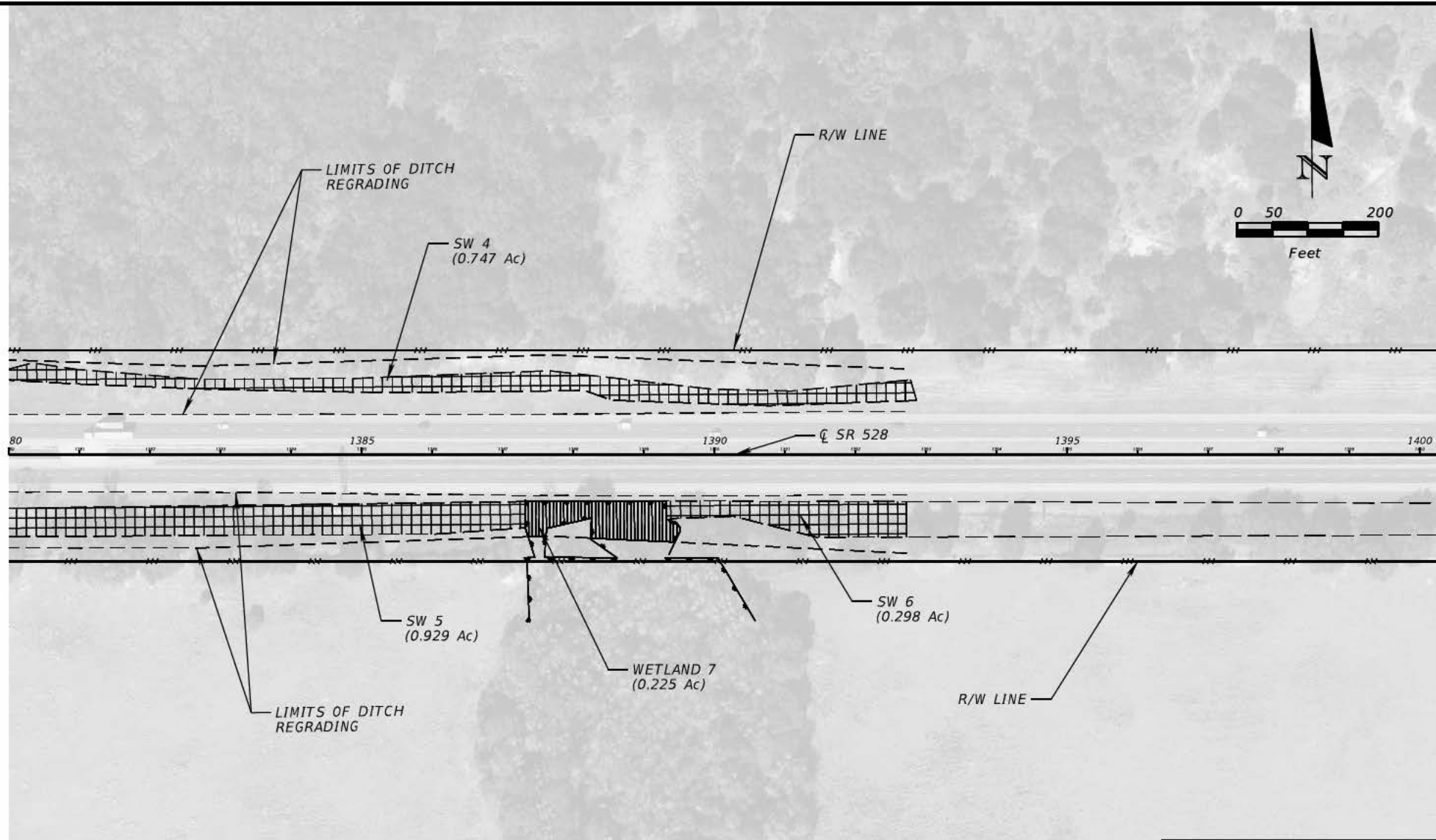



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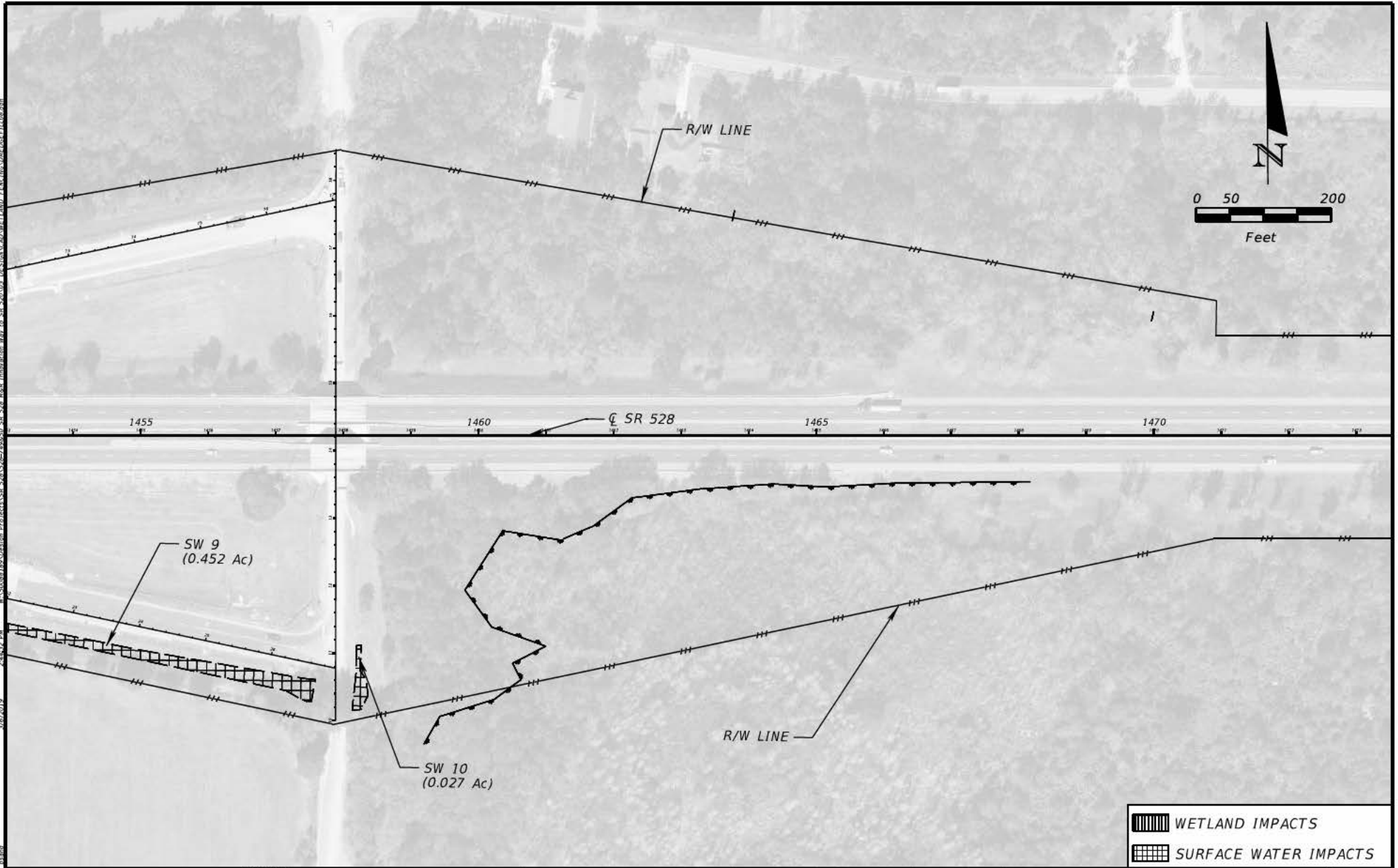



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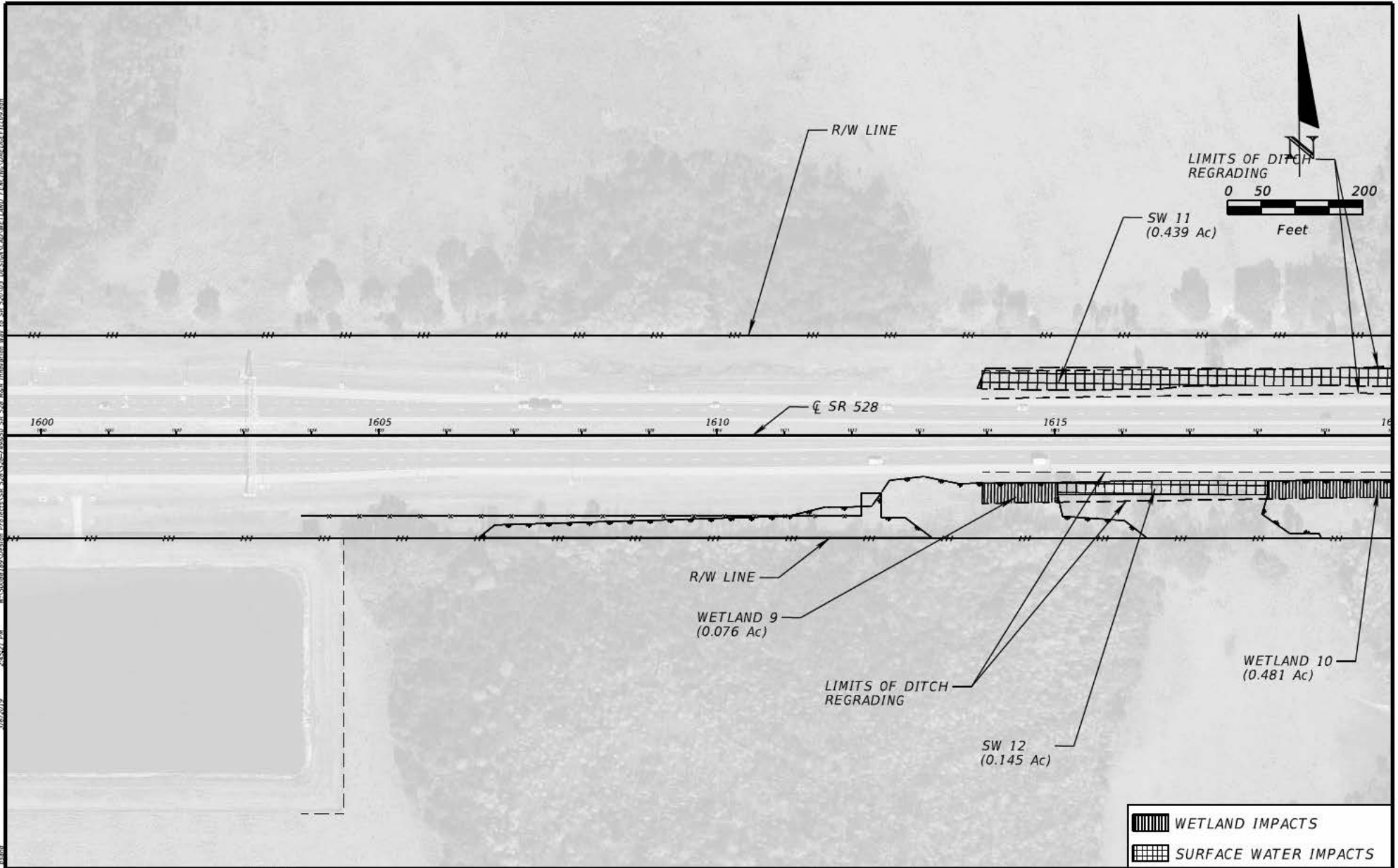


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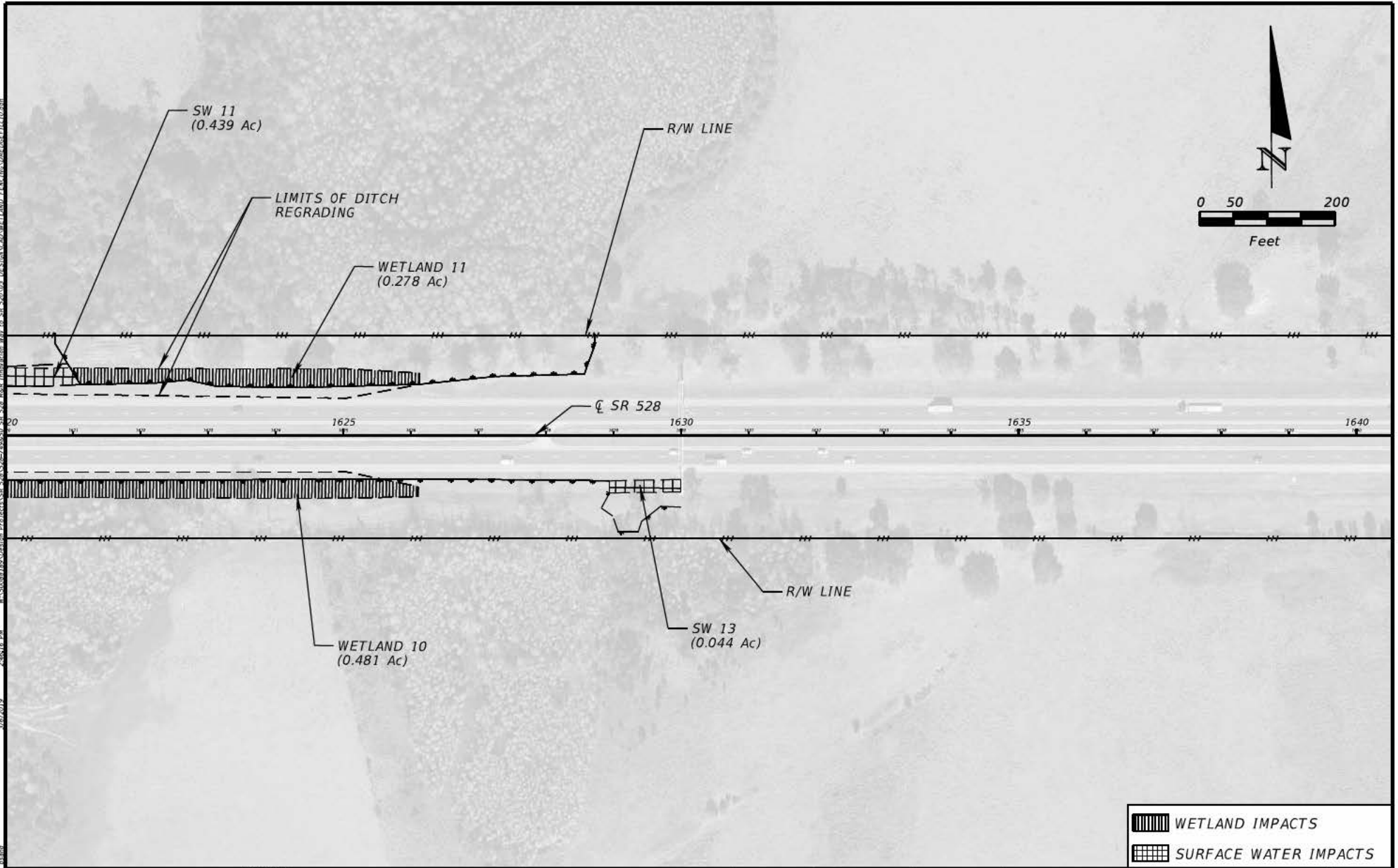
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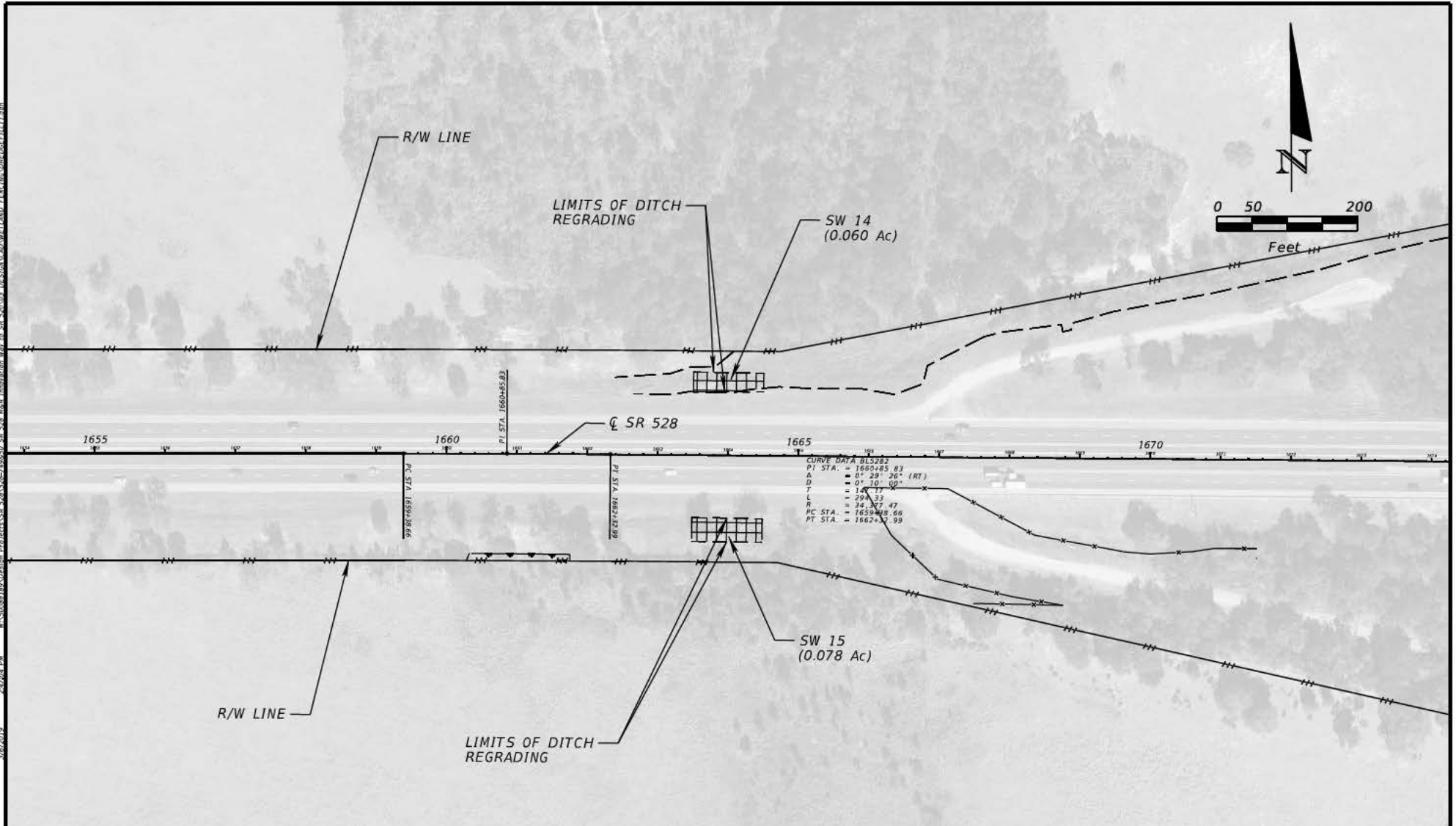


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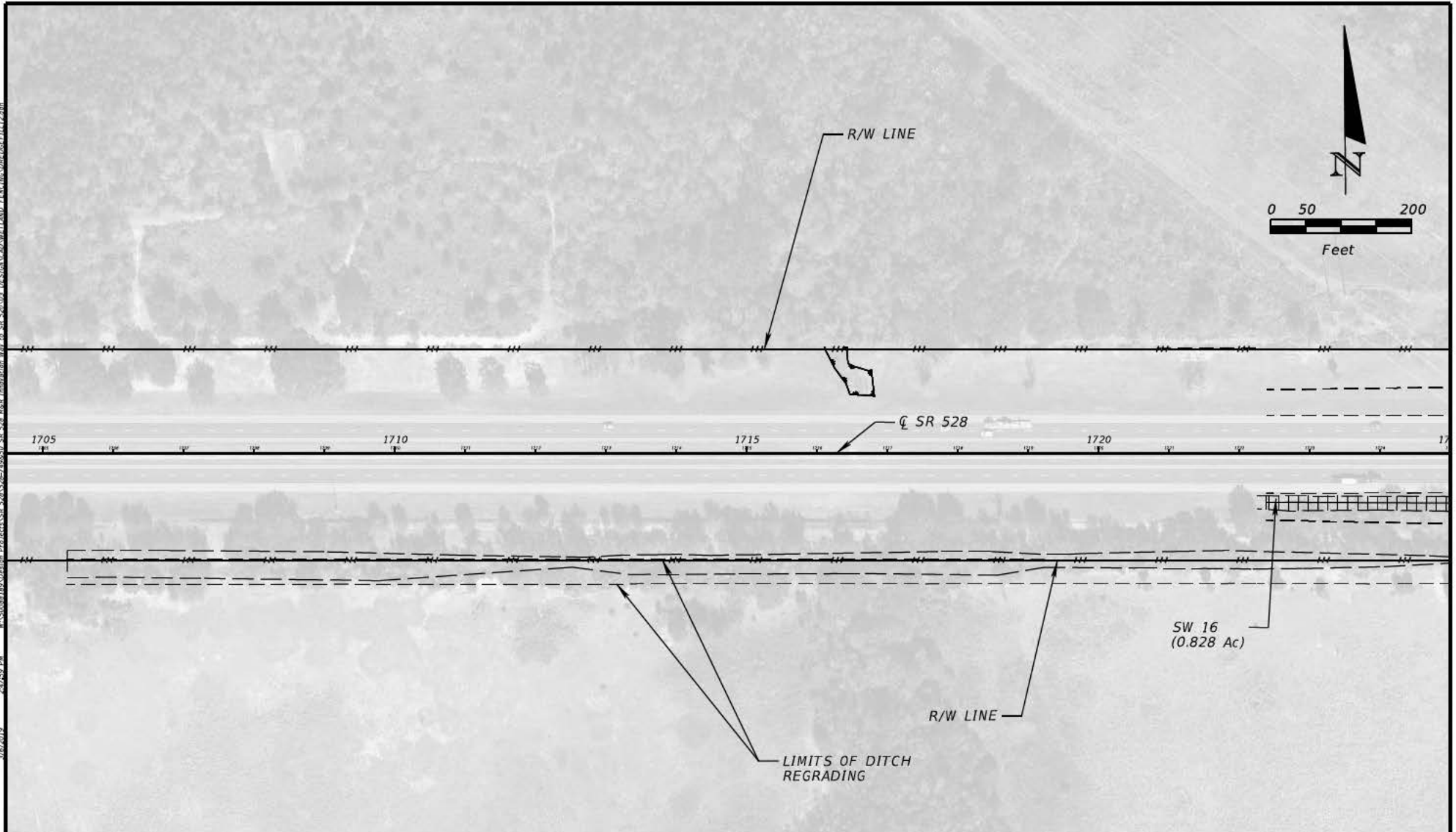
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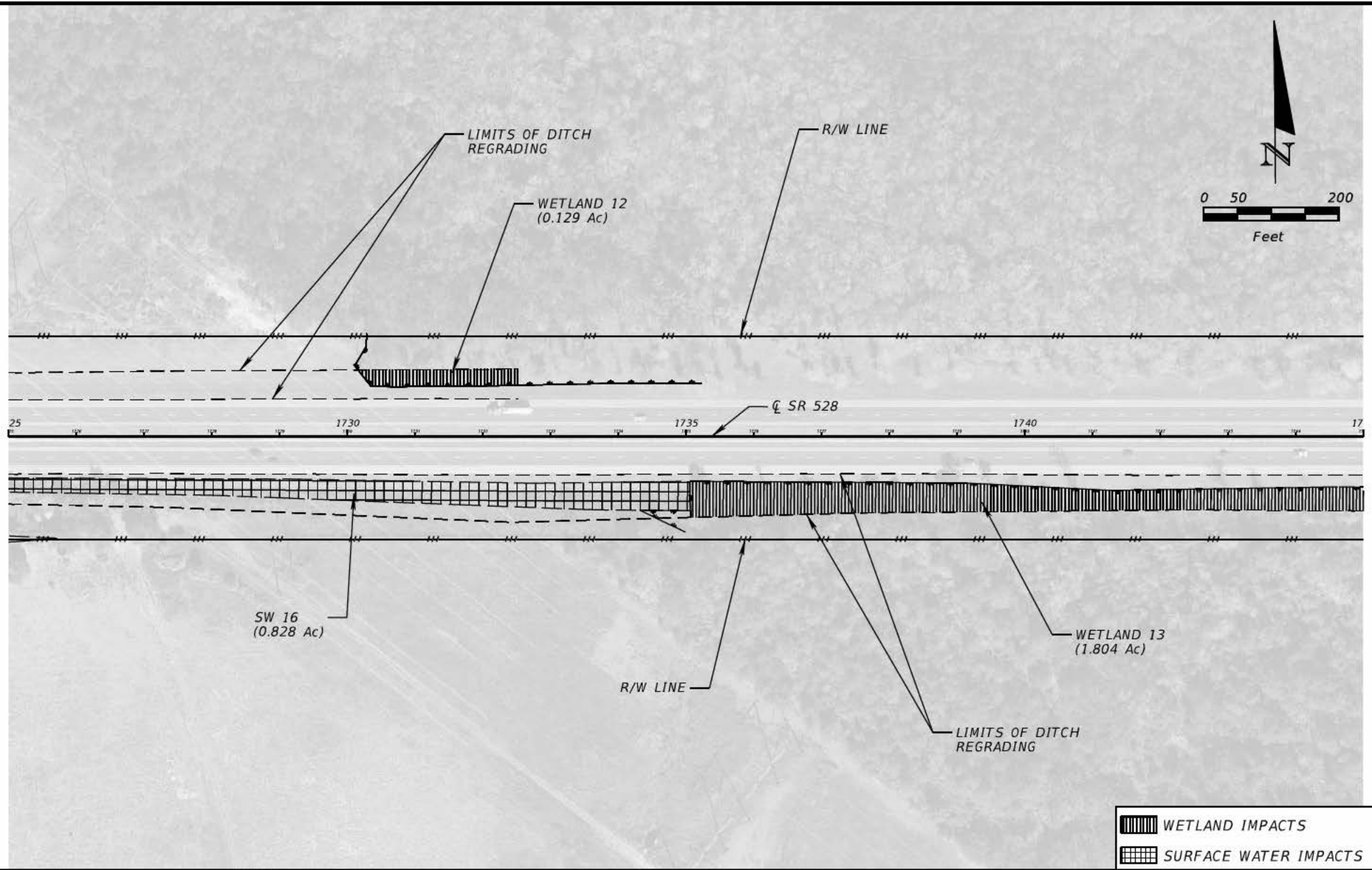



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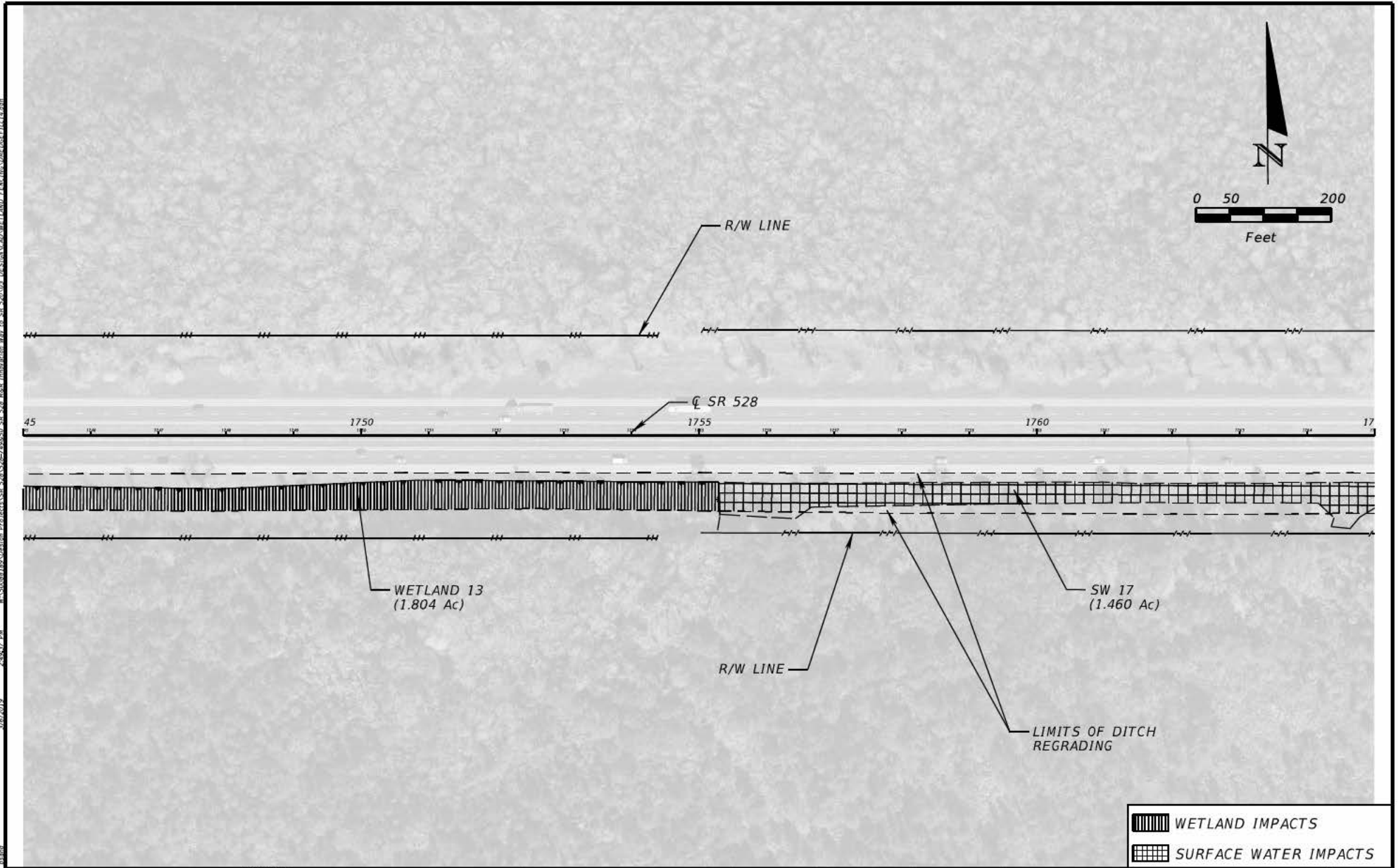



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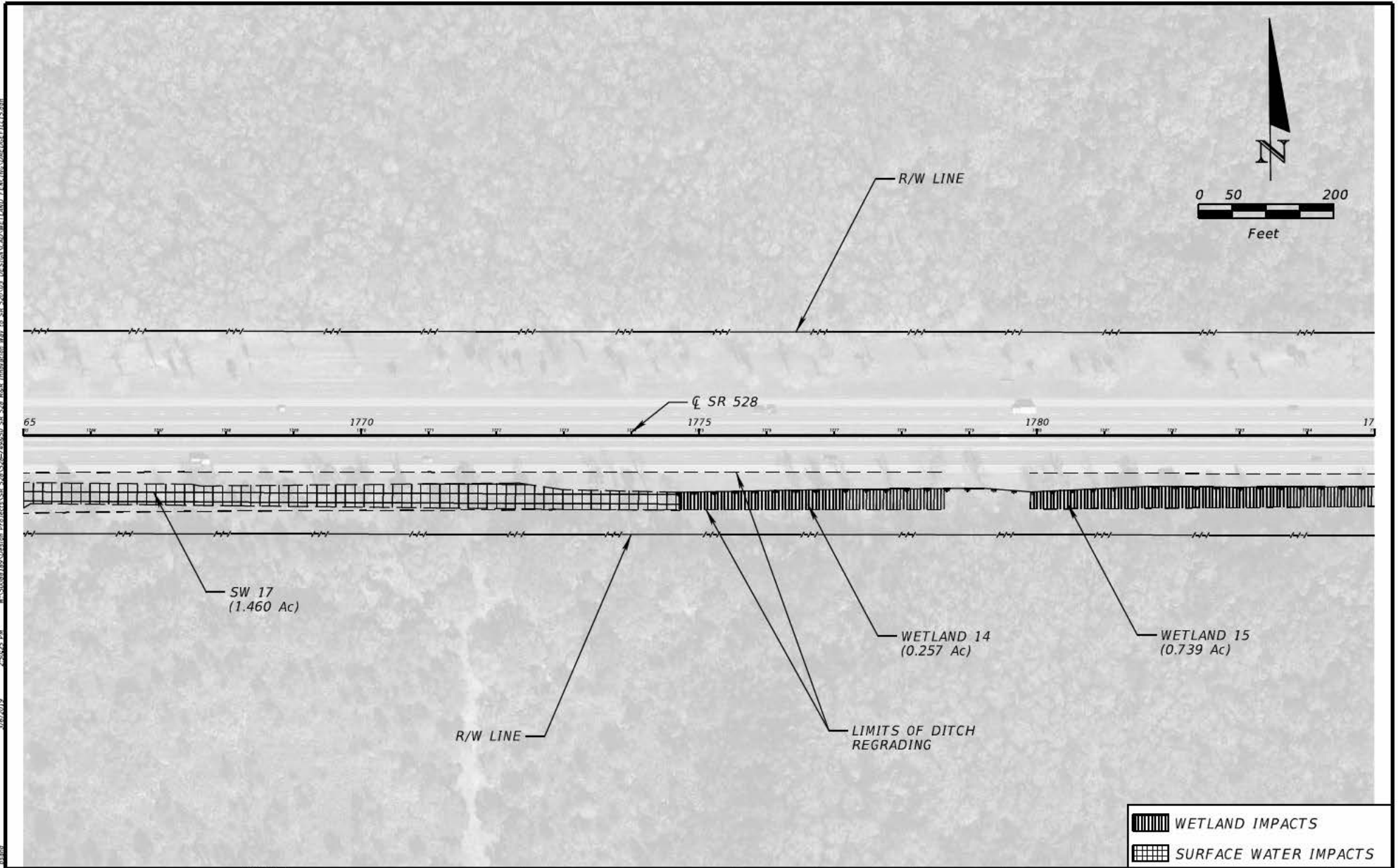


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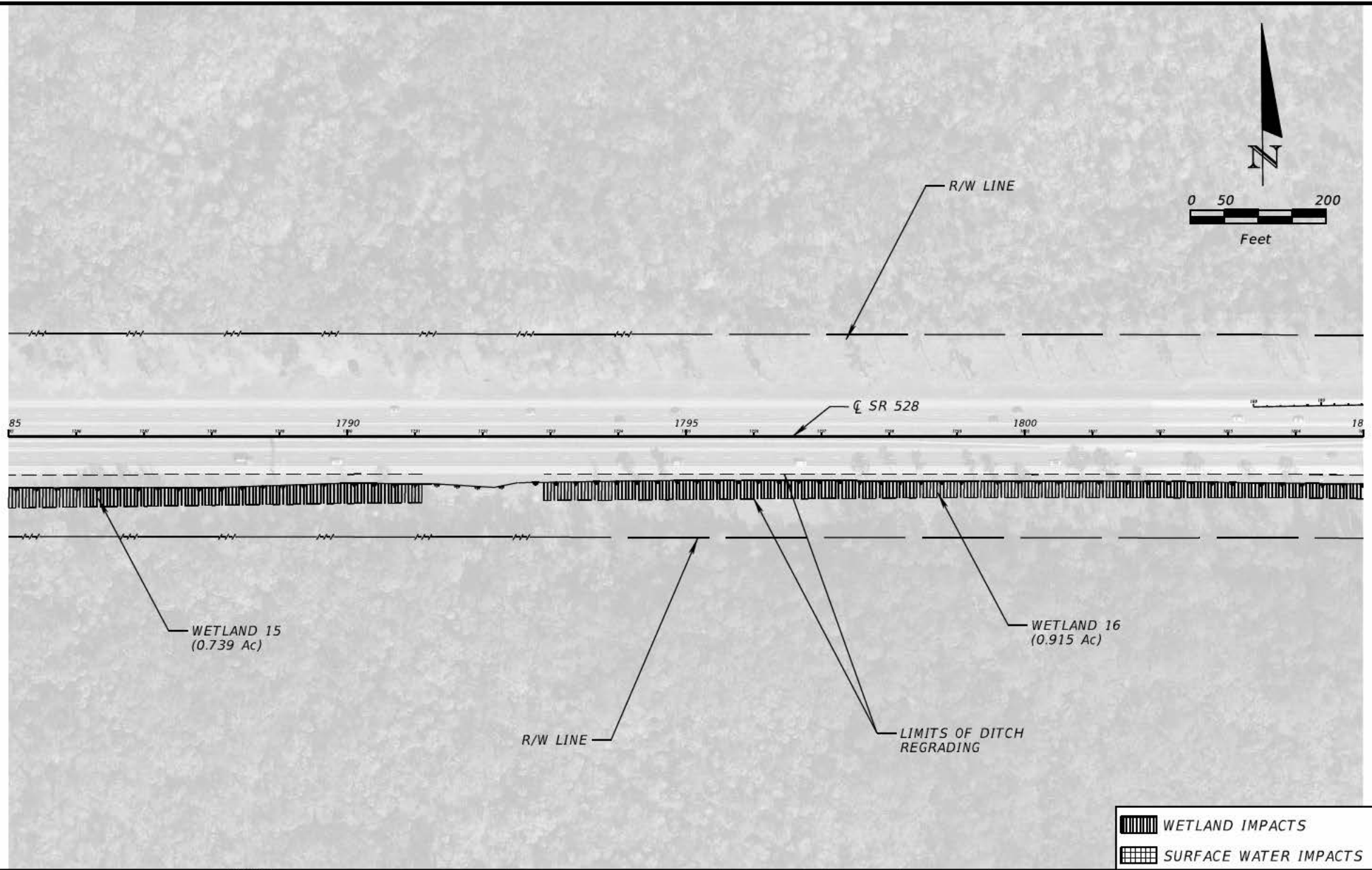
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