DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
POST OFFICE BOX 4970
JACKSONVILLE, FLORIDA 32232

REPLY TO ATTENTION OF

April 17, 2019

Regulatory Division
North Permits Branch
Panama City Permits Section

PUBLIC NOTICE

Permit Application Number SAJ-2019-00968 (SP-RLT)

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: Florida Department of Transportation (FDOT), District 5
Attn: Ms. Casey Lyon
719 South Woodland Blvd.
Deland, Florida 32720

WATERWAY AND LOCATION: The project is located in waters of the United States associated with Tyson and Bull Creeks and other unnamed wetlands. The project site is located within Kenansville and is approximately 22 miles in length, in Sections 13, 14, 23, 24, 25, 26, 36, Township 27 South, Range 32 East, and Sections 1,6,7,17,18, 20, Township 28 South, Range 33, East, Osceola County, Florida.

Directions to the site from Jacksonville are as follows: From Jacksonville, go south on I-95 to the intersection with US 192 (SR 500); go west to SR 15 (US 441); project extends south to Tyson Creek Bridge.

APPROXIMATE CENTRAL COORDINATES: Latitude 28.043025°
Longitude -81.043666°

PROJECT PURPOSE:

Basic: Linear transportation improvements.

Overall: The overall project purpose is to rehabilitate and improve roadway safety along an existing corridor of State Route (SR) 15 in central Osceola County, Florida.

EXISTING CONDITIONS: SR 15 is a two-lane rural roadway with open drainage ditches along both sides of the travel lanes. The land uses were classified according to the Florida Land Use, Cover and Forms Classification System (FLUCFCS) (FDOT, 1999).

Upland Communities:

Roads and Highways (FLUCFCS 814) refers to transportation facilities that are used for the movement of people and goods. This category includes the center medians, pavement and minimal buffer zones and the maintained right of way along the edge of pavement.

Wetland Communities

Mixed Wetland Hardwood (FLUCFCS 617) communities are forested areas composed of a large variety of hardwood species tolerant of hydric conditions. The mixed wetland hardwood community lies within the right of way and have historically been maintained as part of the stormwater conveyance system. Years of neglect have allowed the canopy to grow within the stormwater conveyance system. The canopy in the wetland systems is composed of bald cypress (*Taxodium distichum*), red bay (*Persea borbonia*), red maple (*Acer rubrum*) and cabbage palm (*Sabal palmetto*). Understory and ground vegetation consist of Carolina willow (*Salix caroliniana*), saltbush (*Baccharis halimifolia*), Peruvian primrose willow (*Ludwigia peruviana*), Virginia chain fern (*Woodwardia virginica*), chalky blue stem (*Andropogon virginicus*) and grapevine (*Vitis spp.*). The USFWS habitat classification is PF07B.

PROPOSED WORK: The applicant seeks authorization to discharge fill material over 0.625 acres of waters of the United States (freshwater forested wetlands) to clear and grub in compliance with current clear zone requirements; to resurface SR 15 from the Tyson Creek Bridge to SR 500 (US 192); and, to construct an alignment curve correction near the intersection of Golden Citrus Road (FPN 238319-3-72-01).

AVOIDANCE AND MINIMIZATION INFORMATION – The project has been designed to avoid and minimize wetlands to the greatest extent practicable. The curve alignment correction near the intersection of the Golden Citrus Road is necessary to achieve the desired project purpose of roadway safety. The clear zone impacts have been minimized to 18 feet off the edge of pavement rather than the entire FDOT right-of-way, while improving visibility per FDOT design standards.

COMPENSATORY MITIGATION – The applicant proposes the purchase of 0.36 freshwater forested Uniform Mitigation Assessment Method (UMAM) credits from the Mary A Mitigation Bank to replace the functional loss of 0.625 acres of waters of the United States (freshwater forested wetlands).

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 Areas for the Audubon's crested caracara (*Polyborus plancus*), Florida Bonneted Bat (*Eumops floridanus*), Florida Grasshopper Sparrow (*Ammodramus savannarum floridanus*), Eastern Indigo snake (*Drymarchon corais couper*), Everglades snail kite (*Rostrhamnus sociabilis plumbeus*), Florida scrub jay

(*Aphelocoma coerulescens*), Red-cockaded Woodpecker (*Picoides borealis*), wood stork (*Mycteria americana*).

The Corps has determined the proposed project is not likely to adversely affect the Eastern Indigo snake (*Drymarchon corais couper*) and wood stork (*Mycteria americana*).

Eastern Indigo snake: The potential impacts to the endangered Eastern Indigo snake were evaluated using *The Eastern Indigo Snake Programmatic Effect Determination Key, August 2013*. Use of the Eastern Indigo snake key resulted in the following sequential determination: A > B > C > D > E "not likely to adversely affect" the Eastern Indigo snake. This is due to the project will impact less 25 acres of xeric habitat within the project area. Also the applicant proposes to follow the FWS approved *Standard Protection Measures for the Eastern Indigo Snake* during the clearing and construction phases of the project.

Wood Stork: This species typically inhabits freshwater and brackish wetlands, primarily nesting in cypress and mangrove swamps. They can be found foraging in shallow water in freshwater marshes, wet prairies, narrow tidal creeks, and flooded tidal pools, as well as roadside ditches and pasturelands. The proposed project is within the buffer of three wood stork nesting colonies. Also the proposed project would impact greater than 0.5 acre of wetlands which exhibit the parameters of suitable foraging habitat for the wood stork. Based upon review of the *Wood Stork Key for South Florida, dated May 18, 2010*, the proposed project resulted in the following sequential determination: A > B > C > D > E = "*not likely to adversely affect*" the wood stork. This is due to the applicant proposing to provide mitigation at an approved mitigation bank which is within the appropriate CFA and of matching hydroperiod of the proposed impacts, and the project is not contrary to the Habitat Management Guidelines for the Wood Stork in the Southeast Region. Given the above information, the Corps has determined that the proposed project may affect, but is not likely to adversely affect the wood stork.

The Corps has determined the proposed project will have no effect on the Florida Bonneted Bat (*Eumops floridanus*), Everglades snail kite (Rostrhamus sociabilis plumbeus), Florida scrub-jay (*Aphelocoma coerulescens*), Florida Grasshopper Sparrow (*Ammodramus savannarum floridanus*), red-cockaded woodpecker (*Picoides borealis*), Audubon's crested caracara (*Polyborus plancus audubonii*).

Bonneted Bat: Florida bonneted bats are thought to be exceedingly rare. Bonneted bats have been detected foraging in native habitat including semitropical forests with tropical hardwood, pineland, mangrove habitats, as well as man-made bat houses and areas such as golf-courses or neighborhoods. Since there is no habitat that would support the bat in or near the project, the Corps determined that the project would have "no effect" to the bonneted bat.

Everglades snail kite: Although the project area is within the consultation area for the snail kite, the wetland habitats within the project area do not support the habitat needed

for the snail kite. Kite foraging habitat consists of relatively shallow wetland vegetation, either within extensive marsh systems, or in lake littoral zones. Emergent vegetation, including spike rushes, maidencane, and bulrushes, are important components of habitat because they allow apple snails to occupy the area.Snail kites were not observed during general wildlife surveys. There is no documentation of this species in or near the project, nor is suitable habitat located in or near the project, therefore the Corps determination for the proposed project is “no effect” to the snail kite.

Florida scrub jay: The Florida scrub-jay lives only in the scrub and scrubby flatwoods habitats of Florida. This type of habitat grows only on nearly pure, excessively well-drained sandy soils, and occurs along present coastlines in Florida, on paleodunes of the high central ridges and other ancient shorelines of the Florida Peninsula, and inland on scattered alluvial deposits bordering several major rivers. This species' habitat is dominated by a layer of evergreen oaks: myrtle oak (*Quercus myrtifolia*) and/or Archbold oak (*Q. inopina*), sand live oak (*Q. geminata*), Chapman oak (*Q. chapmanii*), and runner oak (Q. minima)], rusty lyonia (Lyonia ferruginea), and Florida rosemary (*Ceratiola ericoides*). This layer is rarely greater than two meters in height, except where fire has been suppressed. Ground cover is sparse, dominated by saw palmetto (*Serenoa repens*) and sand palmetto (*Sabal etonia*). Bare sand patches are essential for foraging and acorn-caching. Slash pines (*Pinus elliottii*) and sand pines (*P. clausa*) are widely scattered with usually less than 15 percent cover. The project site does not contain nesting or foraging habitat for this species. In consideration of this information, the Corps determined that the project would have *“no effect”* on this species.

Florida Grasshopper Sparrow: The project area is described in the existing conditions of this public notice and does not support sparrow habitat. Therefore, the Corps determination for the proposed project is “*no effect*” to the scrub jay.

Red-cockaded Woodpecker (*Picoides borealis*): The project area consists of an existing roadway and wetlands. The woodpecker live and forage in mature pine forests, specifically those with longleaf pines averaging over 80 to 120 years old and loblolly pines averaging 70 to 100 years old. The red-cockaded woodpeckers live in groups with a breeding pair and as many as four helpers, usually male offspring from the previous year. Each group needs about 200 acres of old pine forest to support its foraging and nesting needs. Therefore the Corps determination for the proposed project is “no effect” to the woodpecker.

Audubon’s crested caracara: Although the project area is within the consultation area for the caracara, the wetland impacts are linearly adjacent to the existing roadway and the birds are now rarely found as far north as Orlando. Also, no foraging or nesting/denning habitat occurs in the project area for this species, therefore the Corps determination is that the project would have “*no effect*” on these species.

ESSENTIAL FISH HABITAT (EFH): This notice initiates consultation with the National Marine Fisheries Service on EFH as required by the Magnuson-Stevens Fishery Conservation and Management Act 1996. Our initial determination is that the proposed

action would not have a substantial adverse impact on EFH or federally managed fisheries in the unnamed wetlands. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

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 Panama City Permits Section, Post Office Box 4970, Jacksonville, Florida 32232 within 21 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, Mr. Randy Turner, in writing at the Jacksonville Permits Section, Post Office Box 4970, Jacksonville, Florida 32232, by electronic mail at Randy.L.Turner@usace.army.mil, by fax at (904) 232-1904, or by telephone at (904) 232-1670.

IMPACT ON NATURAL RESOURCES: 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.

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 or 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 determination, comments are used to assess impacts to endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. 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.

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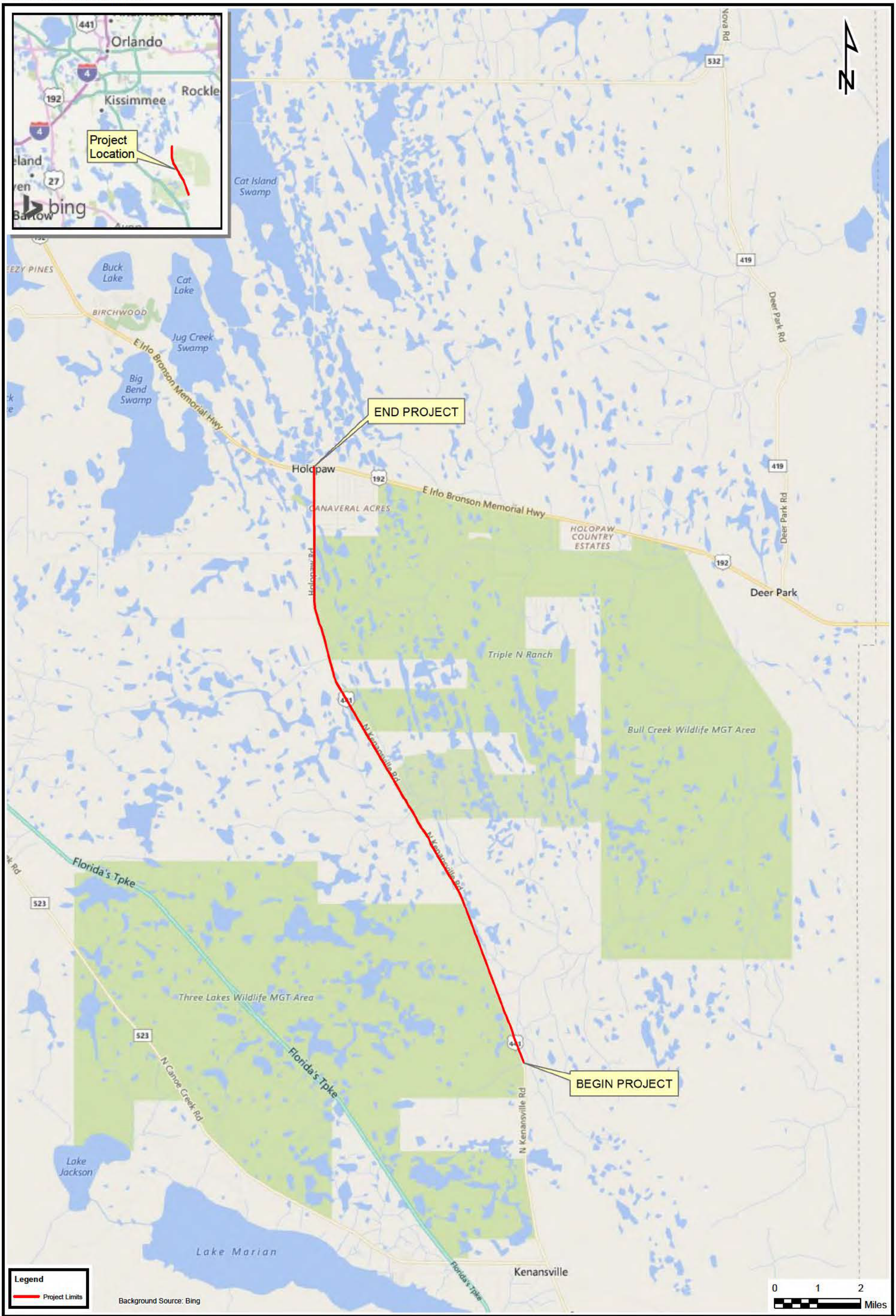

FDOT	**SR 15 FPID: 437543-1** **Tyson Creek Bridge to SR 500** Osceola County, Florida	Location Map	FIGURE 1
PROJECT NUMBER: 8-0247-002		SCALE: 1 "=2 miles	DATE: 3/7/2019

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FDOT

PROJECT NUMBER:
8-0247-002

SR 15 FPID: 437543-1

Tyson Creek Bridge to SR 500

Osceola County, Florida

FLUCCS Map

SCALE: 1 "=200 feet

DATE: 3/7/2019

FIGURE

4A

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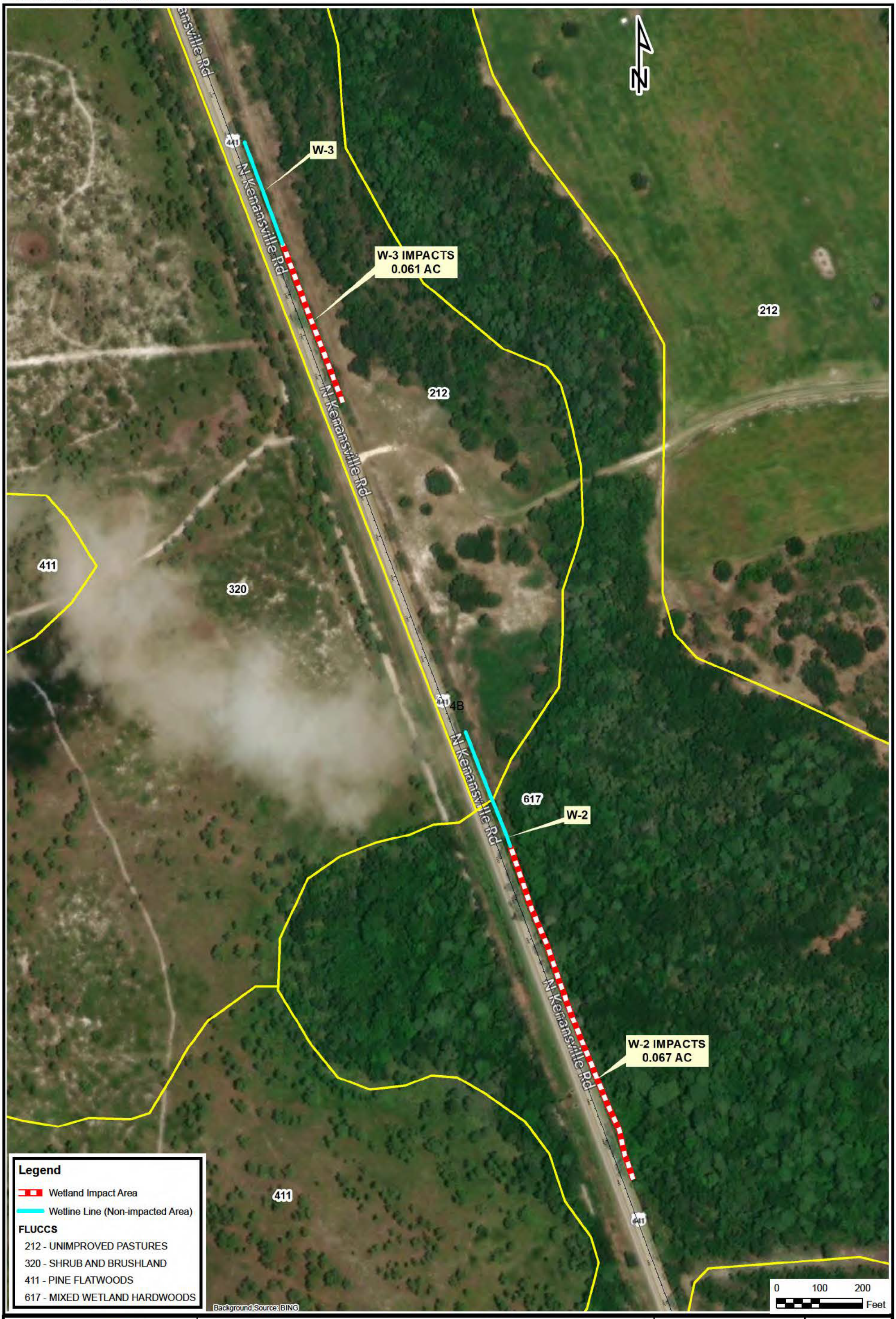

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Tyson Creek Bridge to SR 500

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FLUCCS Map

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FIGURE

4B

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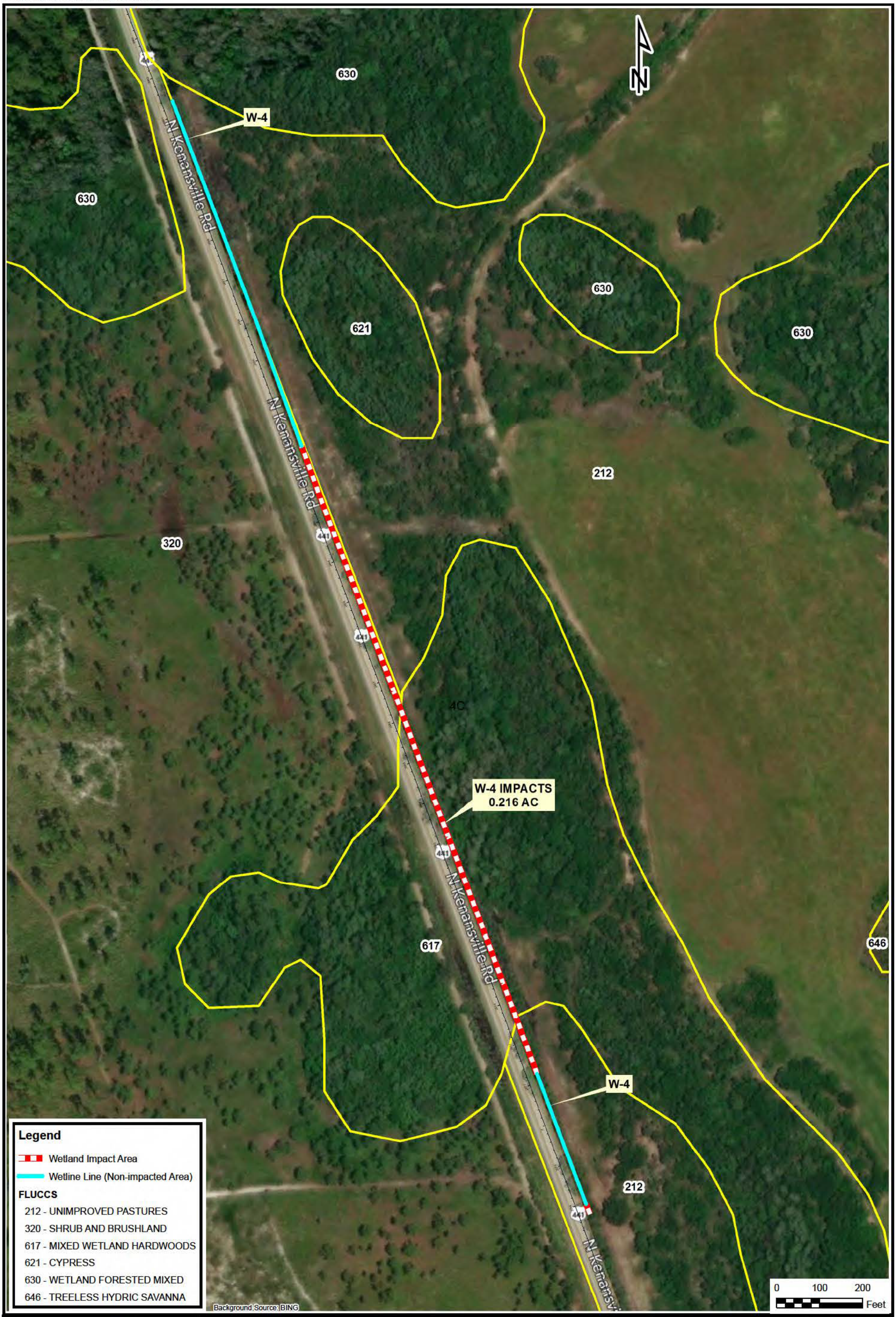

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Tyson Creek Bridge to SR 500

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FLUCCS Map

SCALE:
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FIGURE
4C

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Tyson Creek Bridge to SR 500

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FLUCCS Map

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FIGURE

4D