



REPLY TO  
ATTENTION OF

Regulatory Division  
North Permits Branch  
Cocoa Permits Section

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

May 29, 2019

## ***PUBLIC NOTICE***

Permit Application Number SAJ-2015-02343 (SP-JSC)

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) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403) as described below:

APPLICANT: Florida Fish and Wildlife Conservation Commission  
c/o Mr. Tim Coughlin  
1601 Scotty's Road  
Kissimmee, Florida 34744

WATERWAY AND LOCATION: The *East Lake Tohopekaliga (East Lake Toho) Drawdown & Habitat Enhancement* project would affect waters of the United States associated with the Lake Tohopekaliga Hydrologic Unit (Hydrologic Unit Code 0309010104). The project site is located on East Lake Tohopekaliga, Section 30, Township 25 South, Range 31 East, Osceola County, Florida.

Directions to the site are as follows: From US 192, proceed north on Narcoossee Rd. ~2.3 miles; turn left onto South Lake Ave. and follow to Chisholm Park. This is the southern end of the scraping and disposal island creation.

APPROXIMATE CENTRAL COORDINATES:

Latitude: 28.29654°

Longitude: -81.25021°

PROJECT PURPOSE:

Basic: aquatic habitat improvement

Overall: The overall purpose of the proposed activity is the improvement of littoral zone fish and wildlife habitat in East Lake Toho.

REGULATORY DESCRIPTION: The Florida Fish and Wildlife Conservation Commission sought Department of the Army authorization, pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbor Act of 1899, from the Jacksonville District of the U.S. Army Corps of Engineers (Corps) for activities associated with the proposed drawdown and removal of vegetation and organic material from East Lake Toho. Such

activity would improve habitat for fish and wildlife. The drawdown and habitat enhancement would require a deviation from The Master Water Control Manual for Kissimmee River-Lake Istokpoga Basin, which contains the relevant Water Control Plan for East Lake Toho, and a DA permit for proposed fill in waters of the United States. The Corps recently completed a Draft Environmental Impact Statement (EIS) and the public comment period closed on May 27, 2019. See additional EIS information at: <https://www.saj.usace.army.mil/Missions/Regulatory/Items-of-Interest/>

This public notice seeks public comment for proposed Section 10/404 activities only, which include the following:

1. Placement intake and outfall pipes either side of the S-59 discharge structure for 4-100 cfs dewatering pumps that will facilitate the East Lake Toho drawdown.
2. Mechanically scrape ~100 acres of littoral zone and consolidate muck into two in-lake spoil islands (3-4 acres each) on the east side of East Lake Toho; pile & burn woody vegetation. Approximately 10 acres of habitat islands would be left in place.
3. Attach sheet pile to the Rummell Rd. box culvert (to retain water in Lake Runnymede).

**EXISTING CONDITIONS:** East Lake Toho is an approximately 11,968-acre lake located in Osceola County, Florida within the Kissimmee Chain of Lakes. Water level stabilization via the construction of water control structures and pollution from watershed development are major contributors to deteriorating aquatic habitat conditions in East Lake Toho which require littoral zone rehabilitation. Negative environmental changes within East Lake Toho include an increase in aquatic plant density and biomass, accumulation of organic sediments, and a shift to invasive species (cattail). Decline in coverage of desirable aquatic vegetation negatively impacts the diversity and abundance of forage organisms that depend on these plant communities. In turn, this directly contributes to reduced sport fish production and potentially reduces use of the littoral zone by wading birds for feeding and nesting.

**PROPOSED WORK:** The applicant seeks authorization to install a weir plate on the Lake Runnymede canal box culvert, scrape ~100 acres of littoral zone, fill ~8 acres of waters of the United States for material disposal, and place pump intake/outfall pipes at the S-59 structure on East Lake Toho.

**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 project elements, including sizing of the disposal islands, are the minimum required to accomplish the project purpose.

### COMPENSATORY MITIGATION:

The Corps' assessment of project activities indicates project implementation would have a net total gain of approximately 26 Uniform Mitigation Assessment Method (UMAM) functional capacity credits. This assessment include a three-year time lag, allowing for revegetation of the scraping and burn areas. While these areas may continue to degrade over time, due to recurring maintenance the Corps would not expect these areas to lose so much function that they would not be able to compensate for the functional loss resulting from creation of the two spoil islands. Having the disposal islands in place will allow periodic vegetation maintenance events, with an approximately 30-year return interval for the more expansive drawdown and muck/vegetation removal project.

### CULTURAL RESOURCES:

The Corps is not aware of any known historic properties within the permit area, which is defined by the project boundaries, and no information was provided by the Applicant. The Corps has coordinated our determination with the State Historic Preservation Officer and those federally recognized tribes with concerns in Florida and the Permit Area.

ENDANGERED SPECIES: The applicant provided no information regarding federally listed species occurrence on the project site. The Corps has completed preliminary federally listed species affect determinations which include the following:

The Corps has determined the proposed project "may affect, but is not likely to adversely affect" (NLAA) wood stork. The proposed activity is within the Core Foraging Area (CFA) of four rookeries; the project supports Suitable Foraging Habitat (SFH) for wood stork. Based on the *Effect Determination Key for the Wood Stork in South Peninsular Florida* (dated May 2010), the Corps determination sequence is as follows: A (Project impacts SFH at a location greater than 0.47 miles from a colony site) > B (Project impact to SFH is greater in scope than 0.5 acres) > C (Project impacts to SFH within the CFA of a colony site > E (Project provides SFH compensation) = NLAA. The project provides SFH compensation within the CFA consisting of enhancement, restoration or creation (and federal mitigation bank credits) that provides an amount of habitat and foraging function equivalent to that of the impacted SFH; in accordance with the Clean Water Act section 404(b)(1) guidelines, and is not contrary to the habitat management guidelines. The Corps has U.S. Fish and Wildlife Service (FWS) concurrence for the proposed activities through use of the aforementioned determination key.

The Corps has determined the proposed project "may affect" the Eastern Indigo Snake. Based on the *South Florida Eastern Indigo Snake Effect Determination Key* (dated August 1, 2017 Addendum), the Corps determination sequence is as follows: 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 construction) > C (Project will impact less than 25 acres of eastern indigo snake habitat) > D (The project has no known underground refugia) = NLAA. The Corps will initiate formal consultation with FWS. The Corps has FWS concurrence for the proposed activities through use of the aforementioned determination key.

Based on existing habitat types, the Corps preliminarily determined the project will have no effect on Bluetail mole skink (*Eumeces egregius lividus*) and Sand skink (*Neoseps reynoldsi*), Florida bonneted bat (*Eumops floridanus*), red-cockaded woodpecker (*Leuconotopicus borealis*), Florida grasshopper sparrow (*Ammodramus savannarum floridanus*) and Florida scrub jay (*Aphelocoma coerulescens*). The project NLAA Audubon's crested caracara (*Polyborus plancus audubonii*) and eastern black rail (*Laterallus jamaicensis jamaicensis*), and may affect but is not likely to adversely affect Everglades Snail Kite (*Rostrhamus sociabilis plumbeus*). The Corps has initiated consultation with the FWS for these determinations.

**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. The proposal would impact approximately 108 acres of freshwater wetlands and surface waters (8 acres fill; 100 acres excavated) which ultimately discharge to Lake Tohopekaliga. Our initial determination is that the proposed action would not have a substantial adverse impact on downstream EFH or Federally managed fisheries. 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 (NMFS).

**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.

**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 **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, Jeffrey S. Collins, in writing at the Cocoa Permits Section (address above), by electronic mail at Jeffrey.s.collins@usace.army.mil, or by telephone at (321) 504-3771.

**IMPACT ON NATURAL RESOURCES:** Coordination with FWS, EPA, the NMFS, 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 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.





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.





# East Lake Toho Drawdown and Habitat Enhancement Project

Pump and weir locations and proposed activities on east side of East Lake Toho.

## Legend

-  Disposal Islands
-  Habitat Islands to Remain
-  Narcoossee
-  Scrape Area

 Pump Placement

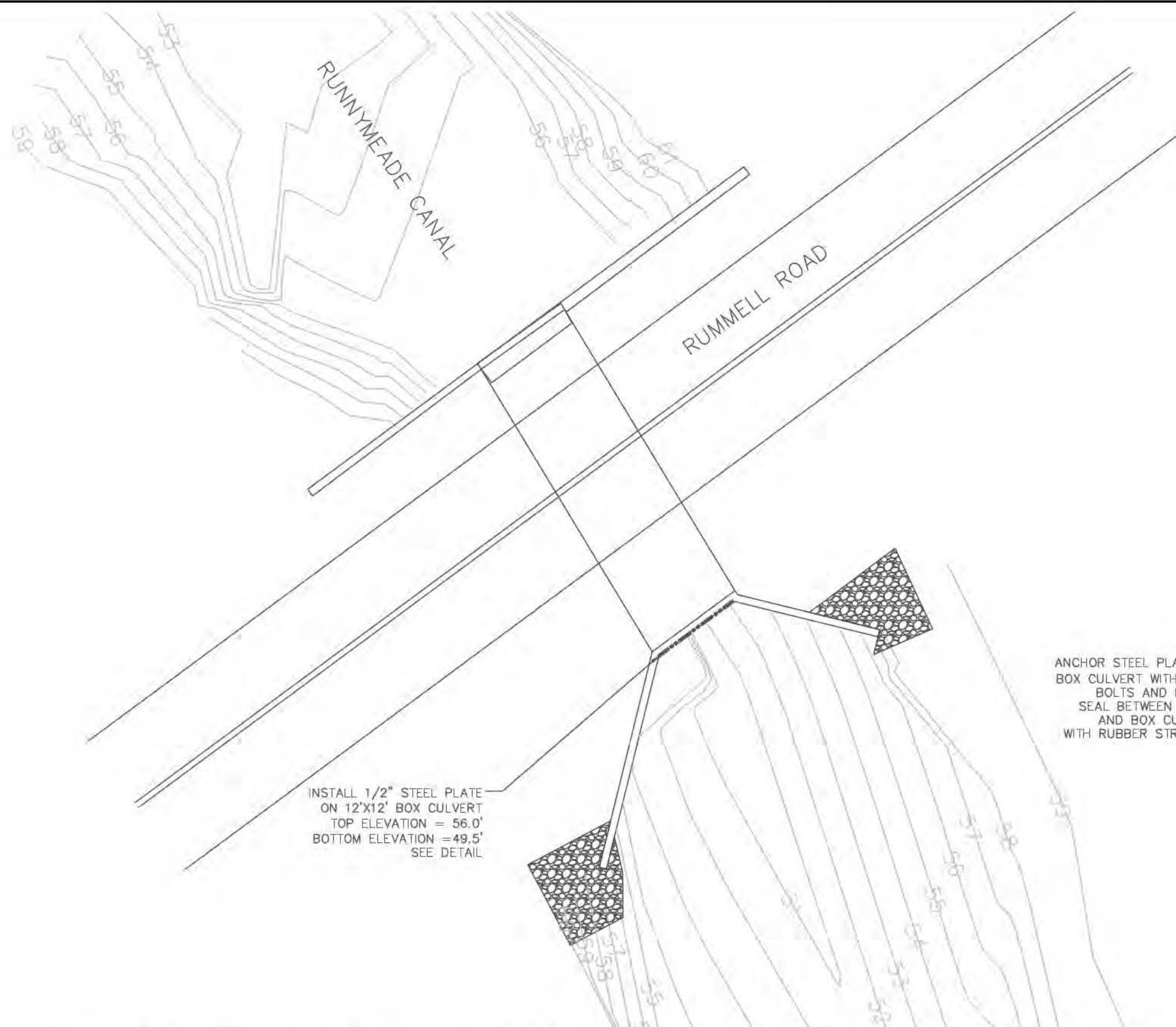
 Weir Installation

Google earth

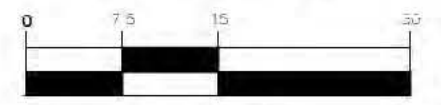
© 2018 Google



1 mi



GRAPHIC SCALE



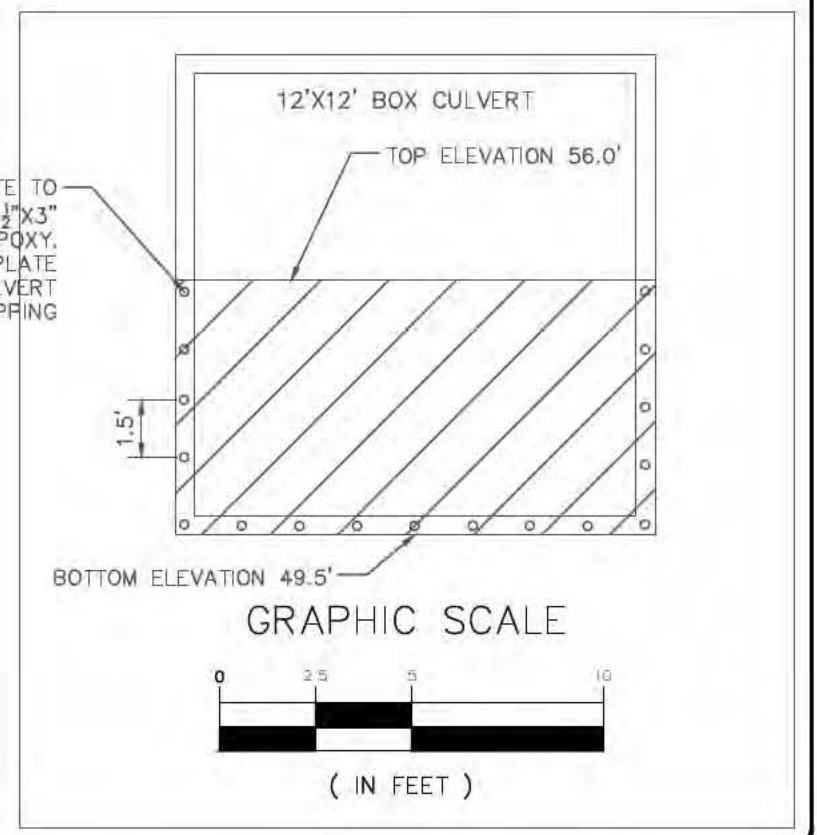
( IN FEET )

LEGEND:

- EXISTING CONTOURS
- EXISTING INFRASTRUCTURE

INSTALL 1/2" STEEL PLATE  
ON 12'X12' BOX CULVERT  
TOP ELEVATION = 56.0'  
BOTTOM ELEVATION = 49.5'  
SEE DETAIL

ANCHOR STEEL PLATE TO  
BOX CULVERT WITH 1/2"x3"  
BOLTS AND EPOXY.  
SEAL BETWEEN PLATE  
AND BOX CULVERT  
WITH RUBBER STRIPPING



**FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION**  
**PUBLIC ACCESS SERVICES OFFICE**  
**PLANNING AND DESIGN SECTION**  
820 South Meridian Street  
Tallahassee, FL 32399-1800  
(850) 921-9931

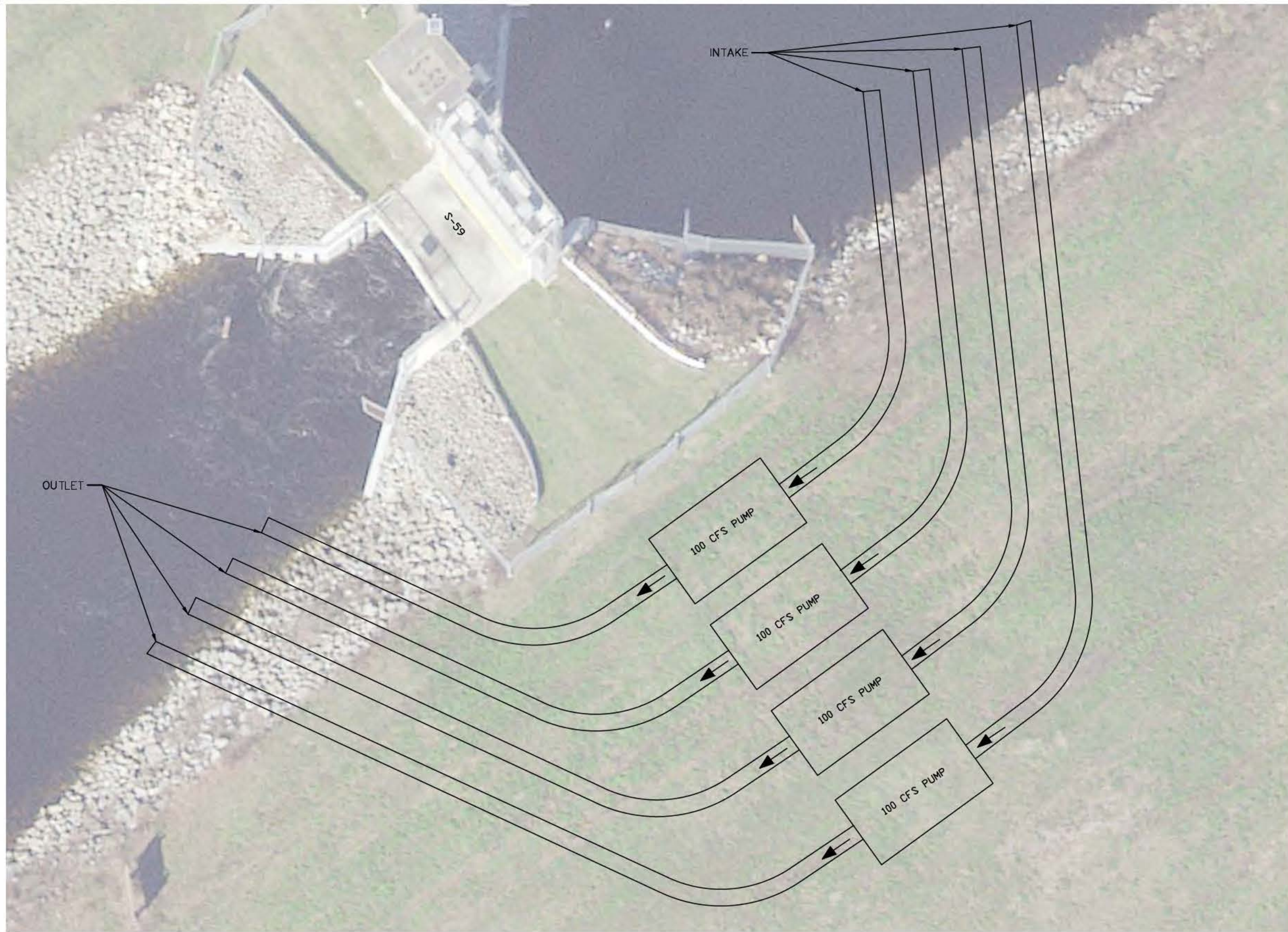
INITIAL ISSUE DATE		
SYMBOL	REVISION	DATE

DESIGNER :  
TSK  
DRAWN BY:  
TSK  
STATE PROJECT No.

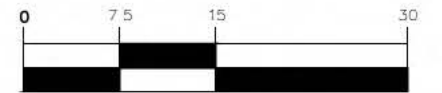
PROFESSIONAL REGISTRATION

SHEET TITLE  
PROPOSED BOX CULVERT BLOCK ON RUNNYMEADE CANAL  
PROJECT TITLE  
EAST LAKE TOHO DRAWDOWN  
SHEET NO.  
C1





GRAPHIC SCALE



( IN FEET )

**FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION**  
**PUBLIC ACCESS SERVICES OFFICE**  
**PLANNING AND DESIGN SECTION**  
 820 South Meridian Street  
 Tallahassee, FL 32309-1800  
 (850) 921-9931

INITIAL ISSUE DATE		
SYMBOL	REVISION	DATE

DESIGNER : TSK  
 DRAWN BY: TSK  
 STATE PROJECT No. \_\_\_\_\_

PROFESSIONAL REGISTRATION

SHEET TITLE  
 PUMP LAYOUT @ S-59  
 PROJECT TITLE  
 EAST LAKE TOHO DRAWDOWN  
 SHEET NO.  
 C3



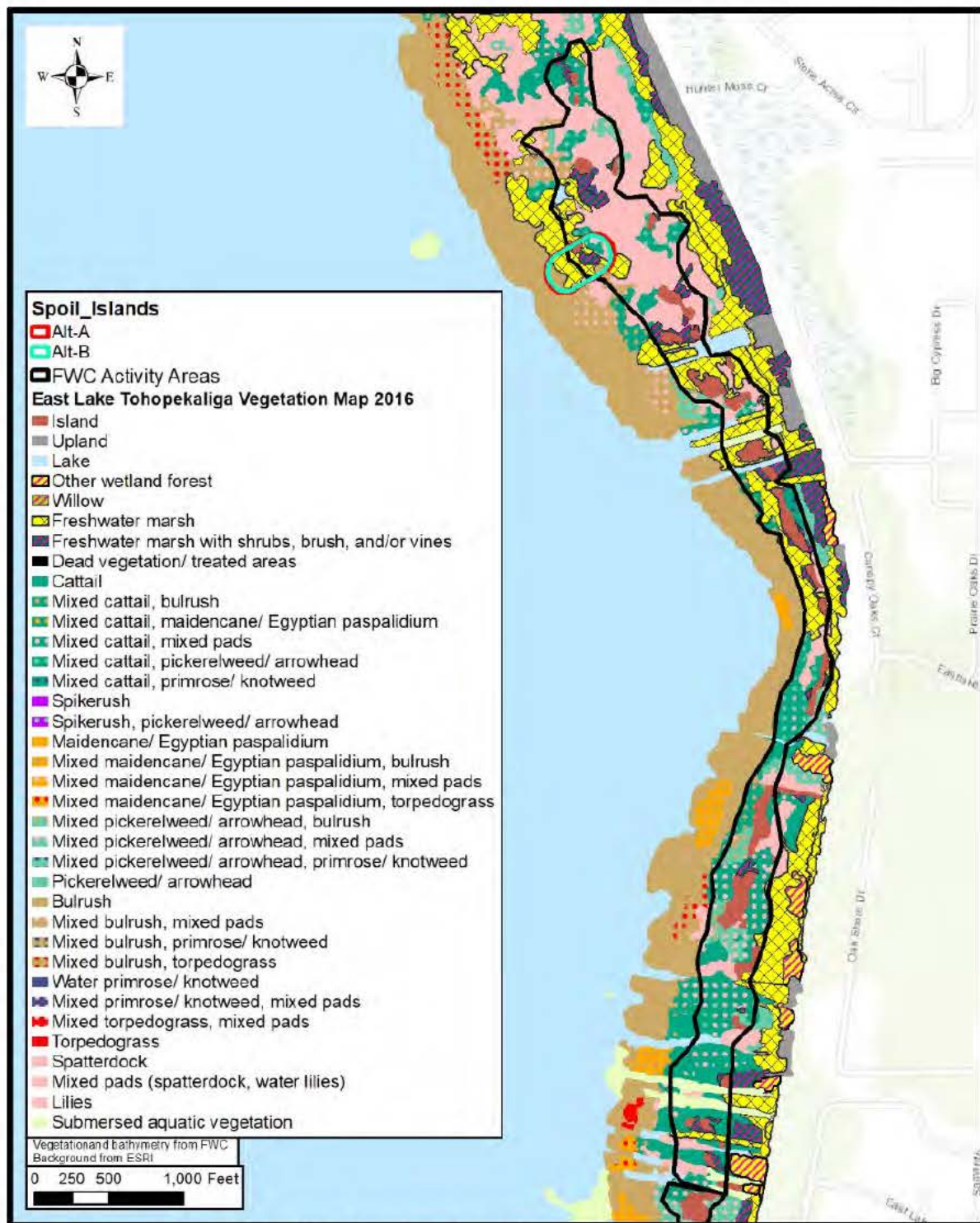
# East Lake Toho Drawdown and Habitat Enhancement Project

Proposed activities on east side of East Lake Toho.

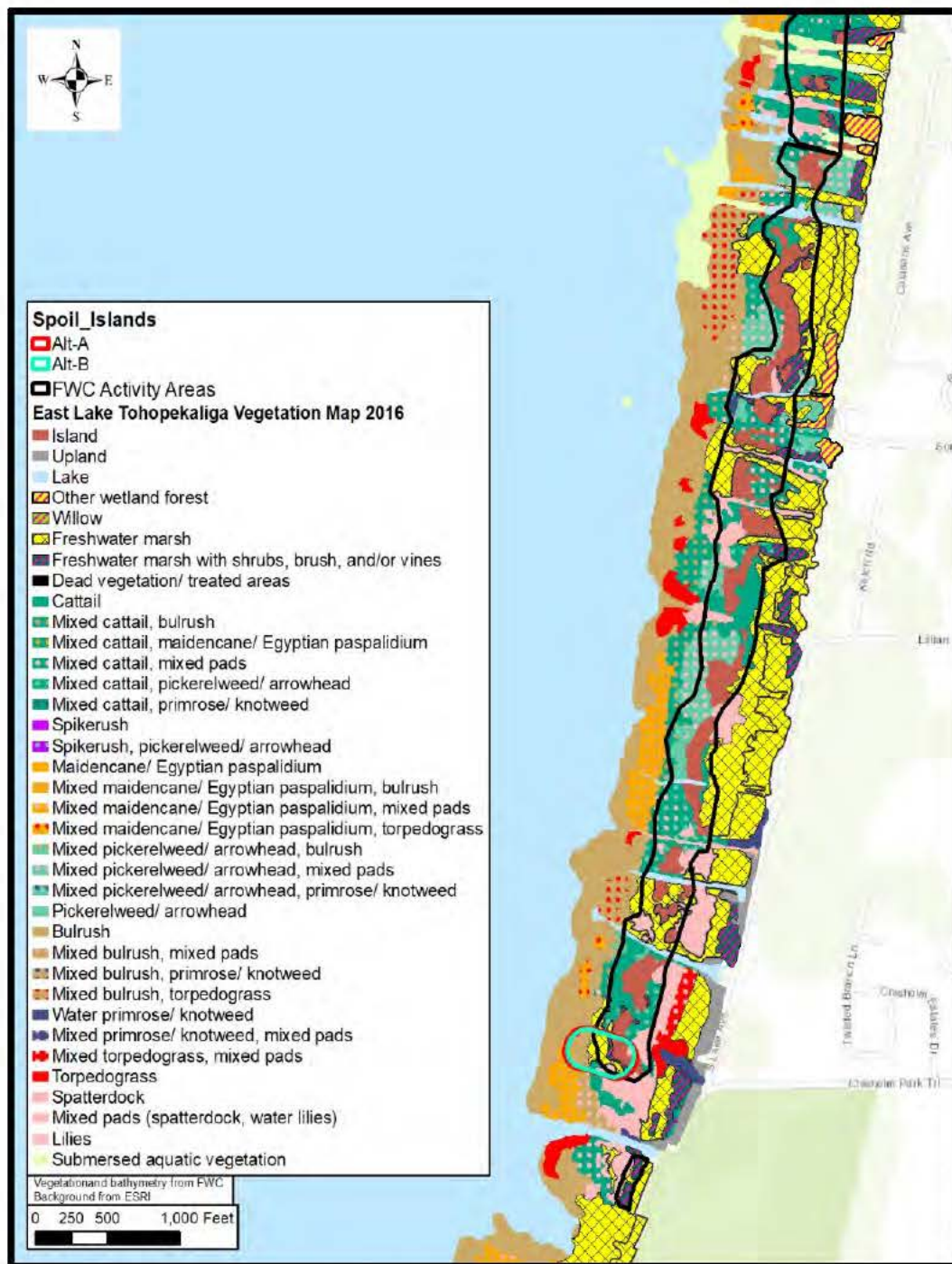
## Legend

- Disposal Islands
- Habitat Islands to Remain
- Narcoossee
- Scrape Area



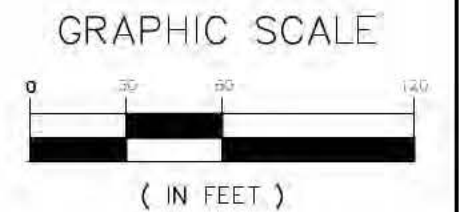
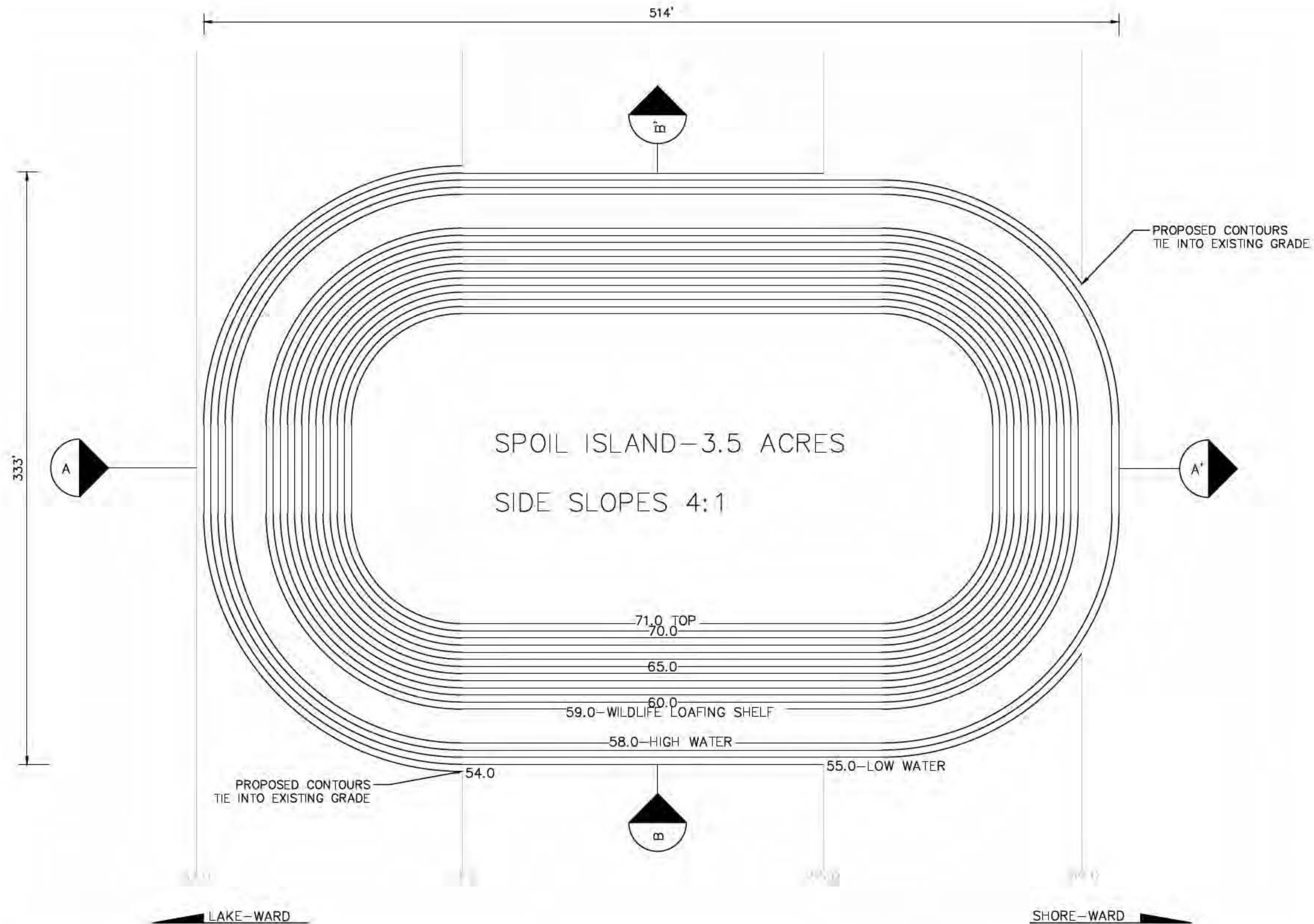


LITTORAL VEGETATION IN THE NORTHERN PORTION OF THE PROPOSED EASTERN SCRAPE ZONE (BLACK OUTLINE)



LITTORAL VEGETATION IN THE SOUTHERN PORTION  
OF THE PROPOSED EASTERN SCRAPE ZONE (BLACK OUTLINE)





- LEGEND:**
- PROPOSED CONTOURS (FT. NAVD88)
  - EXISTING CONTOURS (FT. NAVD88)

**FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION**  
**PUBLIC ACCESS SERVICES OFFICE**  
**PLANNING AND DESIGN SECTION**  
 820 South Meridian Street  
 Tallahassee, FL 32399-1800  
 (850) 921-9931

INITIAL ISSUE DATE		
SYMBOL	REVISION	DATE

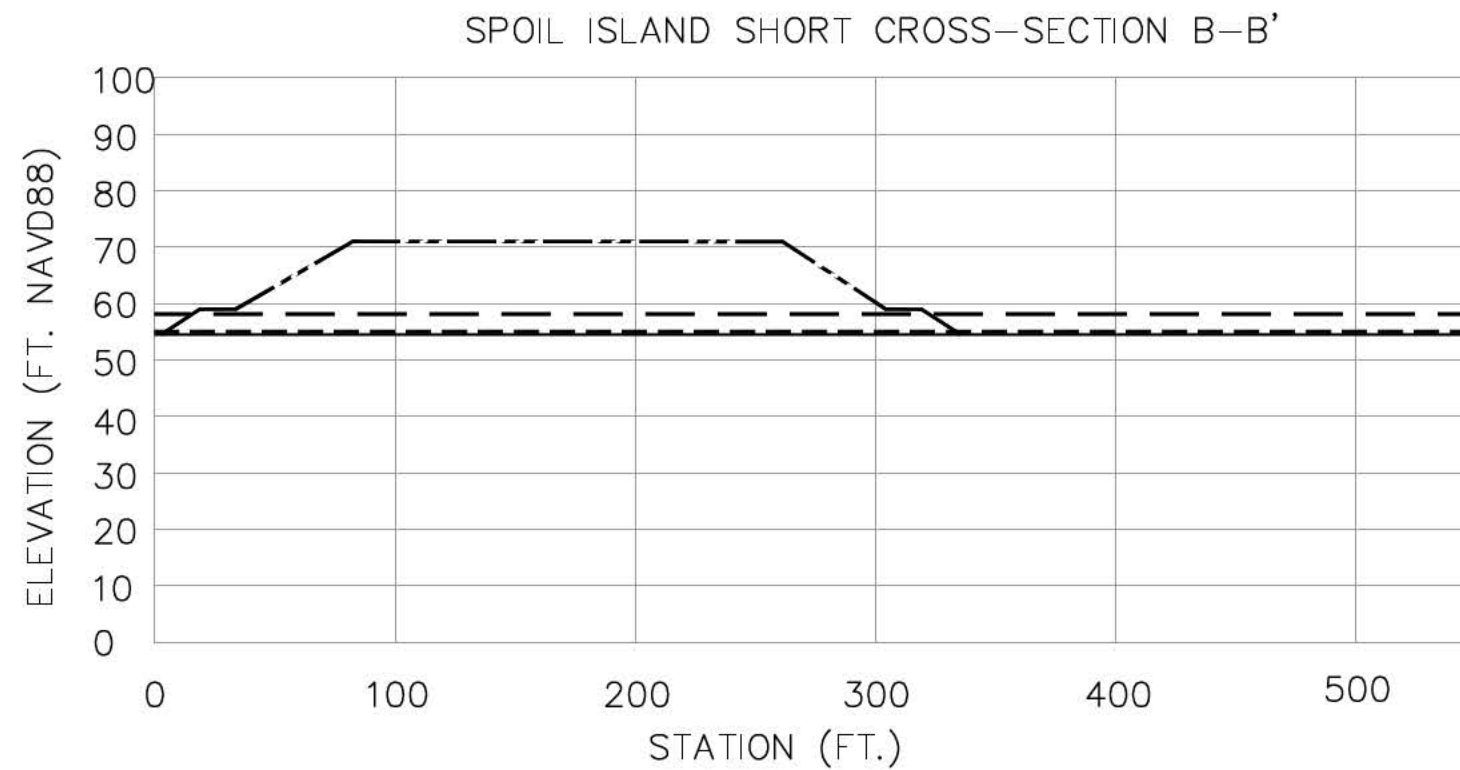
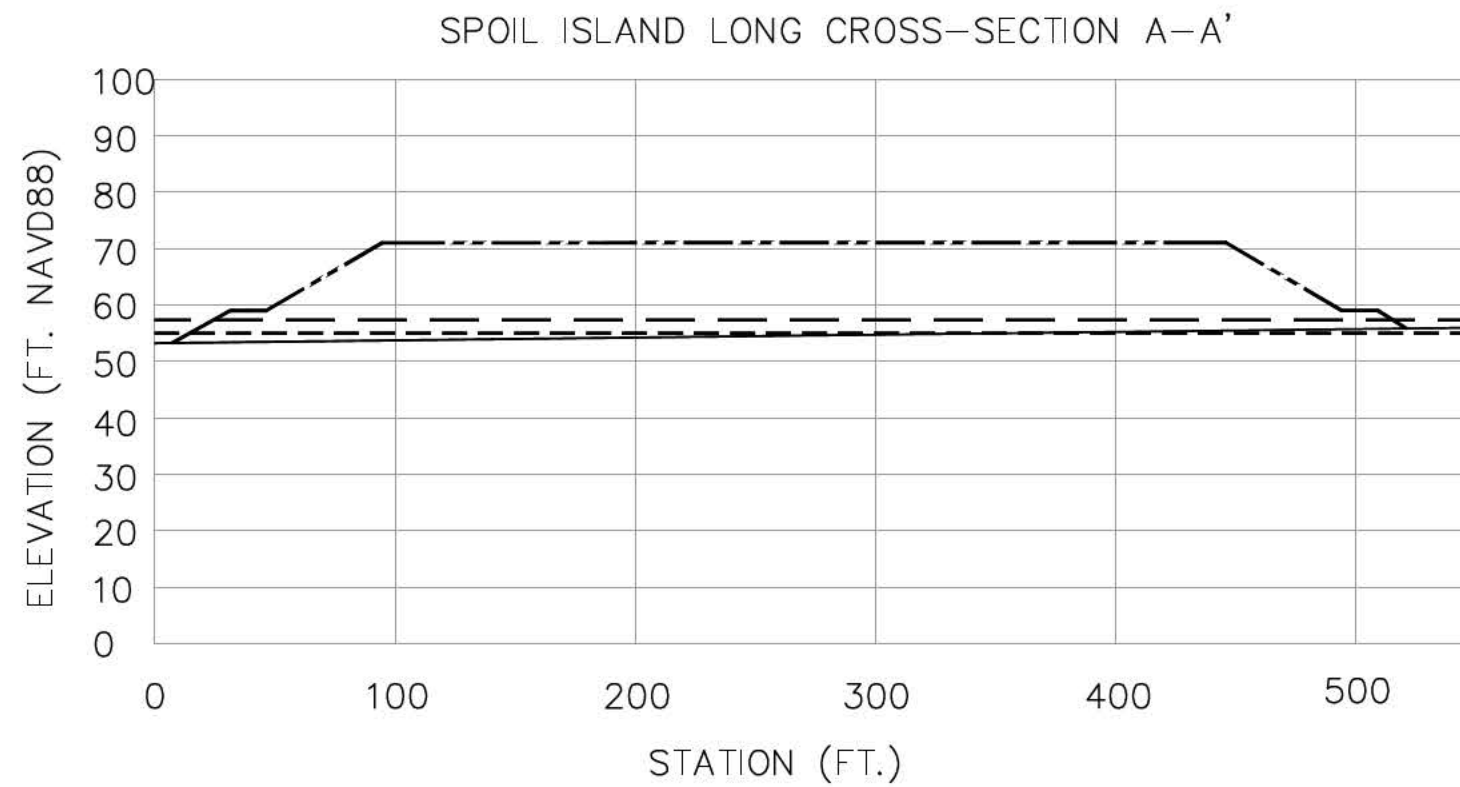
DESIGNER: TSK  
 DRAWN BY: TSK  
 STATE PROJECT No.

PROFESSIONAL REGISTRATION

SHEET TITLE  
 PROPOSED SPOIL ISLAND GRADING PLAN — EAST LAKE TOHO

PROJECT TITLE  
 EAST LAKE TOHO DRAWDOWN AND HABITAT ENHANCEMENT

SHEET NO.  
 C1



**LEGEND:**

- ISLAND
- BATHYMETRY
- HIGH WATER
- LOW WATER

INITIAL ISSUE DATE		
SYMBOL	REVISION	DATE

DESIGNER : TSK
DRAWN BY: TSK
STATE PROJECT No.

PROFESSIONAL REGISTRATION
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SHEET TITLE SPOIL ISLAND CROSS SECTIONS – EAST LAKE TOHO	
PROJECT TITLE EAST LAKE TOHO DRAWDOWN AND HABITAT ENHANCEMENT	SHEET NO. C2