



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
4400 PGA BOULEVARD, SUITE 500
PALM BEACH GARDENS, FLORIDA 33410

September 5, 2019

Regulatory Division
South Permits Branch
Palm Beach Gardens Permits Section

PUBLIC NOTICE

Permit Application No. SAJ-2018-03427(SP-KDS)

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: South Florida Water Management District (SFWMD)
Attention: Nimmy Jeyakumar
3301 Gun Club Road
West Palm Beach, Florida 33406

WATERWAY AND LOCATION: The project, A-2 Stormwater Treatment Area (STA), would affect waters of the United States associated with the Miami Canal. The project site is located within a 6,500-acre area in the Everglades Agricultural Area (EAA) off of US Highway 27 approximately 9.75 miles South of County Road 827, Township 46 South, Range 35E (Section 13, Section 22-26, Section 35-36); Range 36E (Section 18-19 & Section 30-31)

Directions to the site are as follows: From SFWMD's G-720 Structure [located on the West Side of A-1 FEB], travel west on the STA 3/4 Inflow Canal's north levee road approximately 7.7 miles [passing north of G-372] until the road turns north and becomes the L-23 Canal's east levee road. Continue north on the L-23 Canal's east levee road approximately 0.9 miles, then east on the first farm road encountered [which runs along the south side of the canal]. Continue east along the south side of the canal approximately 0.8 miles until farm road terminates at unnamed N-S farm road. Travel North on unnamed farm road approximately 0.5 miles and make a slight jog to cross the unnamed canal. Turn east and travel approximately 1.0 miles to the SE corner of the 560 acre site.

APPROXIMATE CENTRAL COORDINATES: Latitude 26.46°
Longitude -80.79°

BACKGROUND: The SFWMD is proposing to construct the STA component of the project recommended within the June 2018 Draft Environmental Impact Statement (EIS) titled "South Florida Water Management District Section 203 Everglades Agricultural Area Southern Reservoir and Stormwater Treatment Area", which is a component of the USACE's Central Everglades Planning Project (CEPP).

On January 2, 2019, a public notice for the discharge of fill in 240 acres of wetlands and 7.2 acres of non-wetland waters within the footprint of this proposed project to construct a stockpile area for the A-2 Reservoir. The application for the stockpile was revised to include the complete project (STA and stockpile).

PROJECT PURPOSE:

Basic: Water quality improvements.

Overall: To provide water quality improvements to the Miami Canal. In addition, if the Corps constructs the proposed A-2 Reservoir, the overall project purpose would include improving water quality and assisting in achieving the water quality based effluent limitation (WQBEL) for water discharged from the A-2 Reservoir.

EXISTING CONDITIONS: The 6,500-acre project site consists of active and fallow sugarcane fields. The site contains uplands, open water (canals and ditches), and one 240-acre wetland. The 240-acre wetland system consists of a previously farmed area that has been abandoned since 2004 and since the area became fallow, wetlands have returned. Vegetation within the wetland includes a variety of invasive and non-invasive grass and shrub species. The existing area surrounding the project area consists of areas that are both actively farmed and lands that have been left fallow.

The upland land uses within the project site consist of berms and levees constructed from spoil dredged from the adjacent ditches. Access dirt roads and trails exist on the top of the berms and levees. The predominant vegetation observed sparingly throughout the upland areas consists of Broom grass (*Andropogon virginicus*), Knotroot Bristlegrass (*Setaria geniculata*), Wiregrass (*Aristida stricta*), Saw palmetto (*Serenoa repens*), Cabbage palms (*Sabal palmetto*), Bull Thistle (*Cirsium vulgare*), Bahia grass (*Paspalum notatum*), Crowfoot grass (*Dactyloctenium aegyptium*), and Slash pine (*Pinus elliotii*).

PROPOSED WORK: The applicant seeks authorization to construct the A-2 STA, which will consist of 6,500 acres of treatment cells, canals, levees, pump stations, and water control structures. The project results in the discharge of fill in 240 acres of wetlands and 170 acres of waters and excavation of 3.4 acres of waters. The A-2 STA will provide water quality treatment for water in the Miami Canal. If the proposed A-2 Reservoir is constructed, the A-2 STA will provide water quality treatment for the water within the Reservoir.

The A-2 STA will include approximately 6,500 acres of effective treatment area divided into three east-west flowing cells. The proposed A-2 STA will receive inflows from the Miami (L-23) Canal via a gated spillway (SW-2). These inflows will then be conveyed east via 4.2 miles of inflow canal, pumped south by a 650 CFS pump station (PS-2),

and then discharged west to one or more canal segments (located at the western limits of each individual cell) via three gated box culverts (STAC-2, STAC-3, STAC-4).

Following collection in canal segments located at the western limits of each cell, treated water will be selectively discharged to a 4.1+/- mile long discharge canal via gated box culverts located in the southwest corner of Cells 1 through 3 (STAC-5, STAC-6, STAC-7, respectively). Finally, the discharge canal will return treated water to Miami Canal (L-23) via a double box culvert (STAC-1) which will be constructed at the southwest corner of the STA.

Related features to be constructed as part of this project include a bridge over the inflow canal just west of structure SW-2, backfilling a no longer needed 2.4+/- mile long segment of the STA 3/4 seepage canal, relocation of the G-200 pump station, repurposing existing seepage pump station G372S, a culverted connection (SW-2) between the A-1 FEB's northern and eastern seepage canals, an additional gated box culvert (STAC-8) to allow routing STA 3/4 inflow canal water to the A-2 STA, and another spillway structure (SW-4) that would allow hydraulic isolation of the eastern and western reaches of the STA 3/4 inflow canal.

Following completion of the A-2 Reservoir by the Corps, the primary means of delivery to the A-2 STA will be via Corps constructed discharge structure(s) which will discharge from the reservoir directly to the STA's distribution channel. Additionally, the A-2 Inflow Canal will be repurposed to also allow Miami Canal inflows to, and reservoir discharges from, the A-2 Reservoir.

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:

“Avoidance and Minimization have been demonstrated within the USACE's Final Integrated Project Implementation Report and Environmental Impact Statement (EIS) for the Central Everglades Planning Project dated December 2014, and within the June 2018 Draft Environmental Impact Statement titled "South Florida Water Management District Section 203 Everglades Agricultural Area Southern Reservoir and Strom water Treatment Area".”

COMPENSATORY MITIGATION – The applicant has provided the following explanation why compensatory mitigation should not be required:

“Mitigation has not been proposed because any loss in aquatic resource functions and/or services will be more than offset by constructing and operating the Federally approved A-2 STA project.”

CULTURAL RESOURCES: The Corps is aware of an historic property (Miami Canal) within or in close proximity of the permit area. The Corps will initiate consultation with the State Historic Preservation Office and those federally recognized tribes with

concerns in Florida and the Permit Area, and the Advisory Council on Historic Preservation as applicable pursuant to 33 CFR 325, Appendix C and Section 106 of the National Historic Preservation Act, by separate letter.

ENDANGERED SPECIES: The project site is located in the consultation area for Audubon's Crested Caracara and the Everglade Snail Kite. The site is also located within the core foraging area of two wood stork nesting colonies (619315 and Loxahatchee 1). The site is adjacent to the panther focus area and contains suitable habitat for the Eastern indigo snake.

The Corps has determined the proposed project may affect, but is not likely to adversely affect the Audubon's crested caracara, wood stork, panther, Everglade snail kite, and the Everglade snail kite designated critical habitat. The Corps will request U.S. Fish and Wildlife concurrence with this determination pursuant to Section 7 of the Endangered Species Act.

The Corps has determined the proposal may affect the Eastern indigo snake. The Corps will request initiation of formal consultation with the Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act by separate letter.

The Corps has determined the proposal would have no effect on any other listed threatened or endangered species or designated critical habitat.

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. No EFH is located within or areas affected by the project. Our initial determination is that the proposed action would not have a substantial adverse impact on EFH or Federally managed fisheries in the South Atlantic Region.

33 U.S.C 408 (SECTION 408): The proposed project includes work in the Miami Canal and levee, a federal project. Therefore, a Section 408 approval may be required.

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 Palm Beach Gardens Permits Section, 4400 PGA Boulevard, Suite 500, Palm Beach Gardens, Florida 33410 within 30 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, Krista Sabin, in writing at the Palm Beach Gardens Permits Section, 4400 PGA Boulevard, Suite 500, Palm Beach Gardens, Florida 33410; by electronic mail at Krista.D.Sabin@usace.army.mil; or by telephone at (561)472-3506.

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.

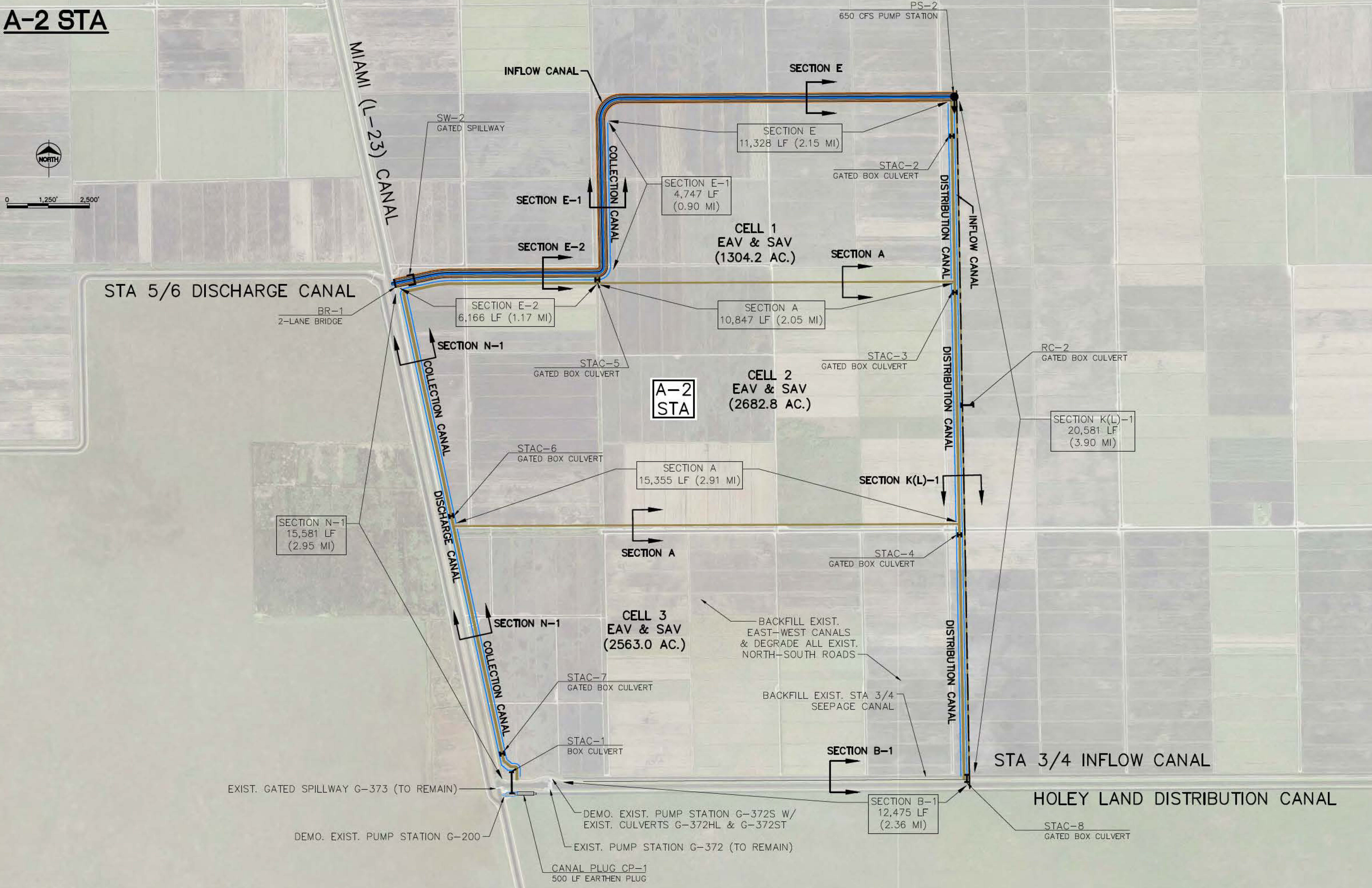
EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, 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.

A-2 STA



A-2 STA JURISDICTIONAL EXCAVATION



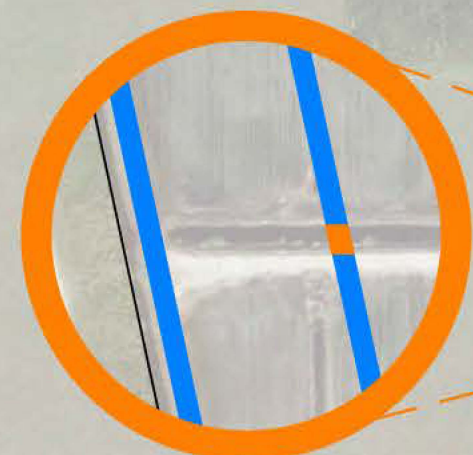
LEGEND:

- A-2 STA PROJECT LIMITS
- JURISDICTIONAL CANAL EXCAVATION
- LOCATION OF JURISDICTIONAL CANAL EXCAVATION
- PROPOSED CANAL
- JURISDICTIONAL FALLOW AGRICULTURAL FIELDS EXCAVATION

A-2 STA LIMITS

A-2
STA

FALLOW AG. FIELDS



TYPICAL JURISDICTIONAL CANAL EXCAVATION

A-2 STA JURISDICTIONAL FILL



0 1,250' 2,500'

LEGEND:

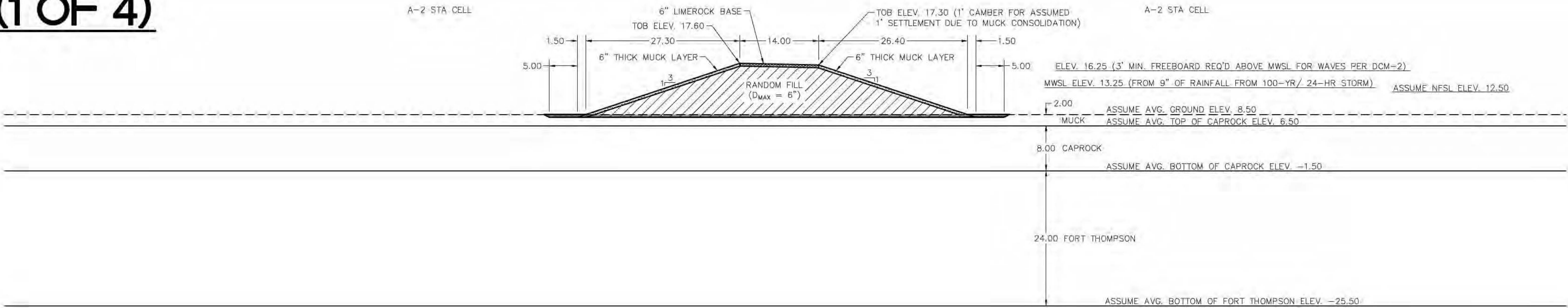
- A-2 STA PROJECT LIMITS
- JURISDICTIONAL CANAL FILL
- JURISDICTIONAL FILL IN FALLOW AG. FIELD

A-2 STA LIMITS

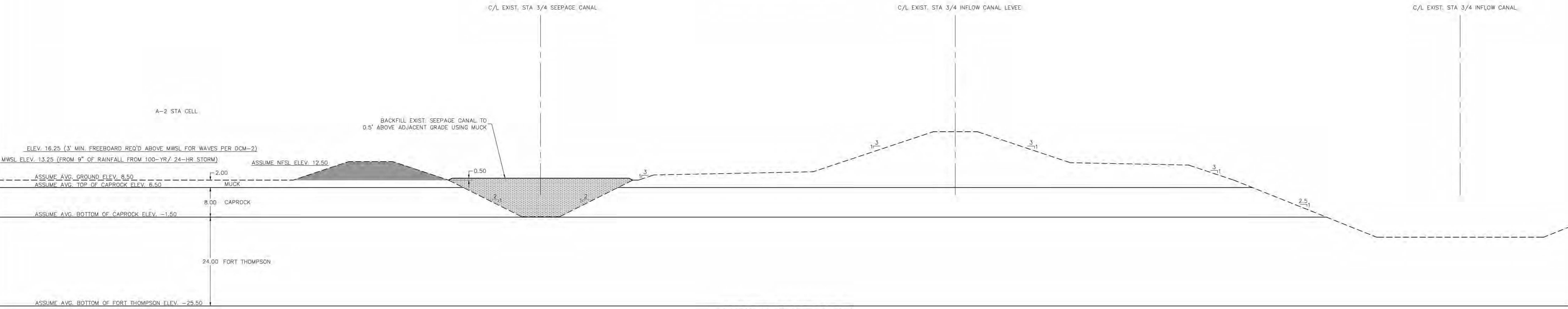
A-2
STA

FALLOW AG. FIELDS

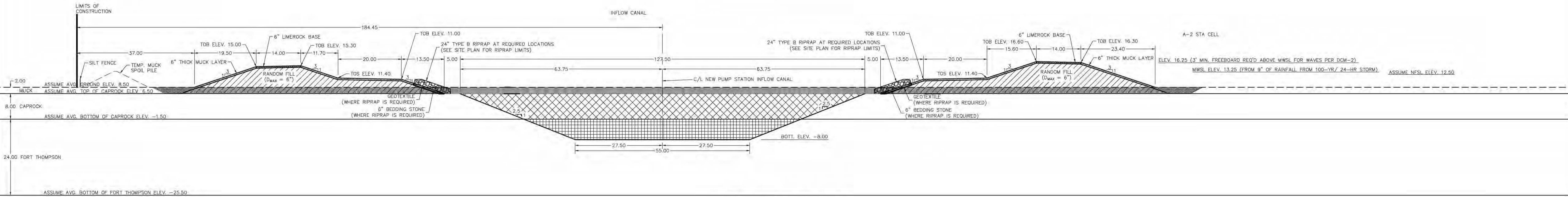
TYPICAL SECTIONS (1 OF 4)



TYPICAL SECTION A
NOT TO SCALE



TYPICAL SECTION B-1
NOT TO SCALE

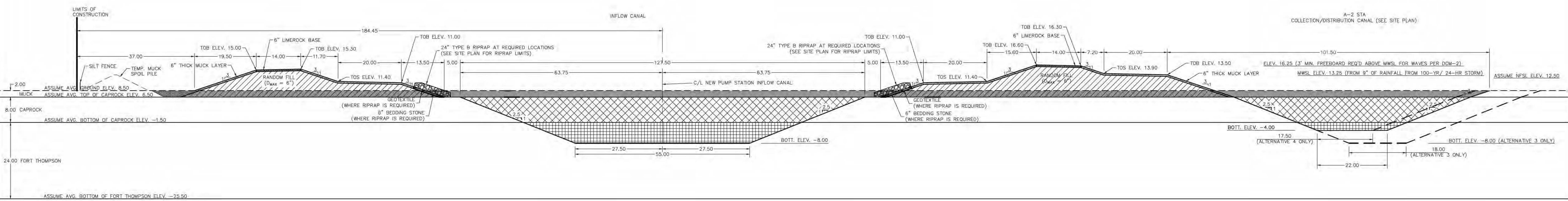


TYPICAL SECTION E
NOT TO SCALE

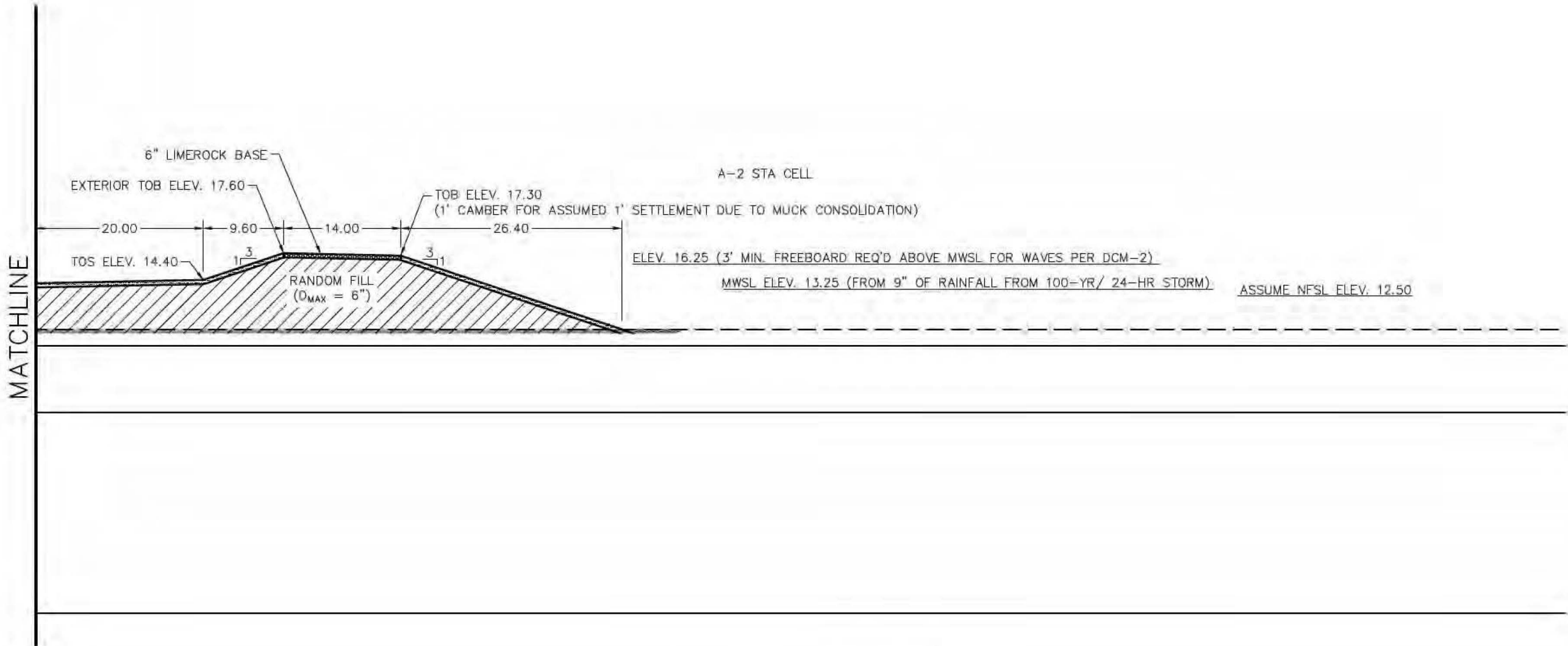
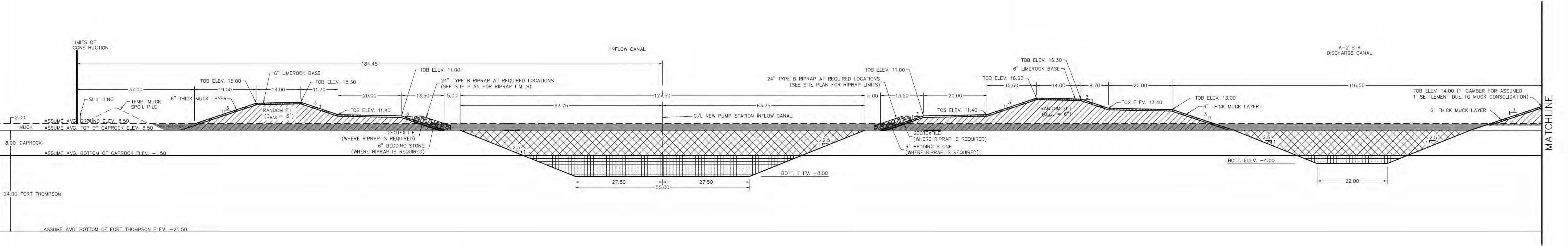
- LEGEND:
- MUCK FILL
 - MUCK REMOVAL
 - RANDOM FILL ($D_{MAX} = 6"$)
 - RANDOM FILL ($D_{MAX} = 12"$)
 - RANDOM FILL ($D_{MAX} = 24"$)
 - LIMEROCK BASE
 - RIPRAP
 - CONCRETE
 - FILTER FILL
 - CORE FILL
 - CAPROCK EXCAVATION
 - FORT THOMPSON EXCAVATION

NOTE:
1. ELEVATIONS SHOWN HEREON ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88). NGVD29 = NAVD88 + 1.43' FOR THE A-2 RESERVOIR & A-2 STA SITES.

TYPICAL SECTIONS (2 OF 4)



TYPICAL SECTION E-1
NOT TO SCALE

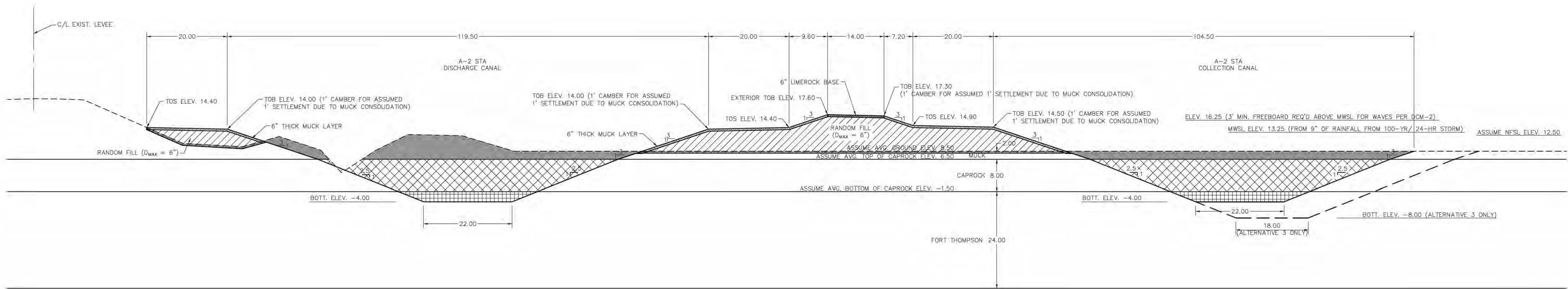


TYPICAL SECTION E-2
NOT TO SCALE

- LEGEND:
- MUCK FILL
 - MUCK REMOVAL
 - RANDOM FILL ($D_{MAX} = 6"$)
 - RANDOM FILL ($D_{MAX} = 12"$)
 - RANDOM FILL ($D_{MAX} = 24"$)
 - LIMEROCK BASE
 - RIPRAP
 - CONCRETE
 - FILTER FILL
 - CORE FILL
 - CAPROCK EXCAVATION
 - FORT THOMPSON EXCAVATION

NOTE:
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TYPICAL SECTIONS (4 OF 4)



TYPICAL SECTION N-1
NOT TO SCALE

NOTE:
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- LEGEND:
- MUCK FILL
 - MUCK REMOVAL
 - RANDOM FILL (D_{MAX} = 6")
 - RANDOM FILL (D_{MAX} = 12")
 - RANDOM FILL (D_{MAX} = 24")
 - LIMEROCK BASE
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 - CAPROCK EXCAVATION
 - FORT THOMPSON EXCAVATION