



REPLY TO
ATTENTION OF

Regulatory Division
North Permits Branch
Panama City Permits Section

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

January 25, 2019

PUBLIC NOTICE

Permit Application Number SAJ-2019-00176 (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) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403) 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 freshwater wetlands that flow to Lake Harris. The project site is located on FDOT owned property in Sections 26 and 35, Township 19 South, Range 24 East, Leesburg, Lake County, Florida.

Directions to the site from Jacksonville are as follows: From Jacksonville head south on I-95 and turn onto State Road (SR) 40 Westbound. Travel approximately 32 miles and turn onto SR 19 Southbound. Travel approximately 25 miles to SR 44 in Eustis. Travel westward on SR 44 for approximately 15 miles to the intersection with SR 25. The project is located in the southeast quadrant of the intersection, directly behind the gas station.

APPROXIMATE CENTRAL COORDINATES: Latitude 28.800059°
Longitude -81.885206°

PROJECT PURPOSE:

Basic: Linear transportation and water quality treatment improvements.

Overall: The overall project purpose is to construct a regional stormwater management facility within FDOT owned property that improves water quality in Lake Harris and provides overall compensatory water quality treatment improvements within the same Lake Harris watershed in northwestern Lake County.

EXISTING CONDITIONS: Generally, the existing land uses near the project site consist of commercial and services development between SR 25 and SR 44, and medium-

density residential development. An open water canal south of the project site provides a direct hydrologic connection from the residential area to a man-made surface water associated with Lake Harris. The project site itself consist of a wetland forested mixed habitat bisected by three man-made canals. The land uses were classified according to the Florida Land Use, Cover and Forms Classification System (FLUCFCS) (FDOT, 1999).

The wetland forested mixed (FLUCFCS 630) is best described as a low-quality system comprised of water oak (*Quercus nigra*), swamp bay (*Persea palustris*), paper mulberry (*Broussonetia papyrifera*), cabbage palm (*Sabal palmetto*), sweet gum (*Liquidambar styraciflua*), and Carolina willow (*Salix caroliniana*). The entire project area is covered with wild taro (*Colocasia esculenta*) and air potato (*Dioscorea bulbifera*), both nuisance-exotic plants according to the Florida Exotic Pest Plant Council.

Three surface water conveyance canals (FLUCFCS 510) bisect the project site. These conveyance canals connect to an existing storm sewer system constructed in 1972 that discharges directly into a canal that, at times, contains emergent aquatic vegetation (FLUCFCS 644) consisting of nuisance-exotic plants maintained by local and state agencies.

PROPOSED WORK: The applicant seeks authorization to discharge fill material over 7.49 acres of freshwater forested wetlands and 1.37 acres of surface water canals, for a total of 8.86 acres of waters of the United States (surface waters and wetlands) in order to construct a regional stormwater pond to improve overall water quality in Lake Harris (FPN 238319-3-72-01). The proposed project would support a separate project within the same watershed by eliminating the need for at least one stormwater pond (and additional right-of-way acquisition) for the widening of the approximately 3.5 mile segment of SR 19. The new regional stormwater pond would provide overall compensatory water quality treatment improvements within the same Lake Harris watershed.

AVOIDANCE AND MINIMIZATION INFORMATION – The project design minimized wetland and surface water impacts to the greatest extent practicable by reducing right-of-way needs on the SR 19 widening project and minimizing the footprint of the regional stormwater pond design. Additionally, the project would improve water quality treatment in Lake Harris versus a typical stormwater management design required by the State of Florida. Efforts to avoid wetland impacts at the proposed regional stormwater management facility are not practicable given the option to use existing FDOT property rather than acquiring private property for a stormwater management facility in the same watershed as the SR 19 widening project.

The proposed regional stormwater management facility is designed to provide compensatory water quality treatment within the same watershed as the SR 19 widening project from CR 48 to CR 561 in Lake County. This facility will result in unavoidable wetland impacts to low-quality wetlands but would remove at least 42.1 pounds of total nitrogen and 21.6 pounds of total phosphorus which is more than a

traditional stormwater management design required by the State of Florida. Efforts to minimize wetland impacts during construction will include the use of silt screens, turbidity curtains, and other discharge prevention measures shown on the Stormwater Pollution Prevention Plans. In addition, the proposed adverse wetland impacts will be offset by mitigation credits purchased from a federally approved mitigation bank within the same watershed.

COMPENSATORY MITIGATION – The applicant proposed the purchase of 3.67 freshwater herbaceous and forested Uniform Mitigation Assessment Method (UMAM) credits from a federally approved wetland mitigation bank.

CULTURAL RESOURCES: The Corps is not aware of recorded historic resources within the permit area. By letter dated June 12, 2018, the FDOT provided the State Historic Preservation Officer (SHPO) a *Cultural Resource Assessment Survey (CRAS) for the Lake Harris Regional Ponds, Leesburg, Lake County, Florida* Study. The FDOT requested SHPO concurrence that based on results of the study, it is the opinion of FDOT, District 5 that the proposed Lake Harris Regional Ponds Area of Potential Effects (APE) would have no effect on *National Register of Historic Places (NRHP)* listed or eligible historic properties. By document stamp, dated June 18, 2018 the SHPO provided concurred with the FDOT's findings and recommendations and CRAS report (DHR No. 2018-2962).

ENDANGERED SPECIES: The project is located within the U.S. Fish and Wildlife Service's (FWS) Consultation Areas for Florida scrub jay (*Aphelocoma coerulescens*), Everglade snail kite (*Rostrhamus sociabilis plumbeus*) and wood stork (*Mycteria americana*), sand skink (*Neoseps reynoldsi*); and potential habitat for the eastern indigo snake (*Drymarchon corais couperi*).

The Corps has determined the proposed project is not likely to adversely affect the Eastern Indigo snake (*Drymarchon corais couperi*), Everglade snail kite (*Rostrhamus sociabilis plumbeus*) 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 = "not likely to adversely affect" the Eastern Indigo snake. This result is due to the applicant proposing to follow the FWS approved *Standard Protection Measures for the Eastern Indigo Snake* during the clearing and construction phases of the project and there are no gopher tortoise burrows, hole, cavities, or other refugia where a snake could be buried or trapped and injured during project activities.

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. Dense, thick vegetation is

not optimal for snail kite foraging because kites cannot readily see apple snails to capture them, and if vegetation is too sparse, apple snails may not be able to survive or reproduce. Kites nest in a variety of vegetation types, including both woody vegetation such as willows, cypress, pond apple, and even exotic invasive species such as melaleuca. Kites usually nest over open water, and this helps protect nests from mammalian predators such as raccoons. Nests can be very well hidden, or quite obvious. The height of a nest is usually about 1-3 meters above the water. Kites almost always nest in areas with good foraging habitat nearby, and most foraging occurs in marshes immediately surrounding the nest. Its preferred habitat is lowland freshwater marshes mostly in the watersheds of the Everglades, Lakes Okeechobee and Kissimmee, and the upper St. Johns River. The types of habitats used by snail kites are located on Lake Harris adjacent to the project area; however, there is a lack of historical evidence of snail kites in Lake County (USFWS, 1999) and the applicant indicated the absence of snail kites during multiple field surveys of the project area. Therefore the Corps determination for the proposed project is “*may affect, but not likely to adversely affect*” to the snail kite. The Corps will request USFWS concurrence with a “*may affect, but not likely to adversely affect*” determination pursuant to Section 7 of the Endangered Species Act.

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 edge one buffer of one wood stork nesting colony (612027 Lake Yale). Also the proposed project would impact 7.49 acres of freshwater forested wetlands and 1.37 acres of surface water canals which exhibit the parameters of suitable foraging habitat for the wood stork. Based upon review of the *Wood Stork Key for Central and North Peninsular Florida dated September 2008*, 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 “*not likely to adversely affect*” the wood stork.

The Corps has determined the proposed project will have no effect on the Florida scrub jay (*Aphelocoma coerulescens*) and sand skink (*Neoseps reynoldsi*).

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. No appropriate habitat for the species exists near the project area, and none were observed during listed species surveys or other field work conducted by the applicant's consultant. Therefore, the Corps has determined that the proposed project would have “*no effect*” on this species.

Sand skink: A large portion of the project area is dominated by wetlands and surface waters adjacent to Lake Harris. Sand skink tracks are usually observed in open sandy areas and skinks occur in excessively drained, well-drained, and moderately well-drained sandy soils. Therefore the Corps determination for the proposed project is “*no effect*” to the sand skink.

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.

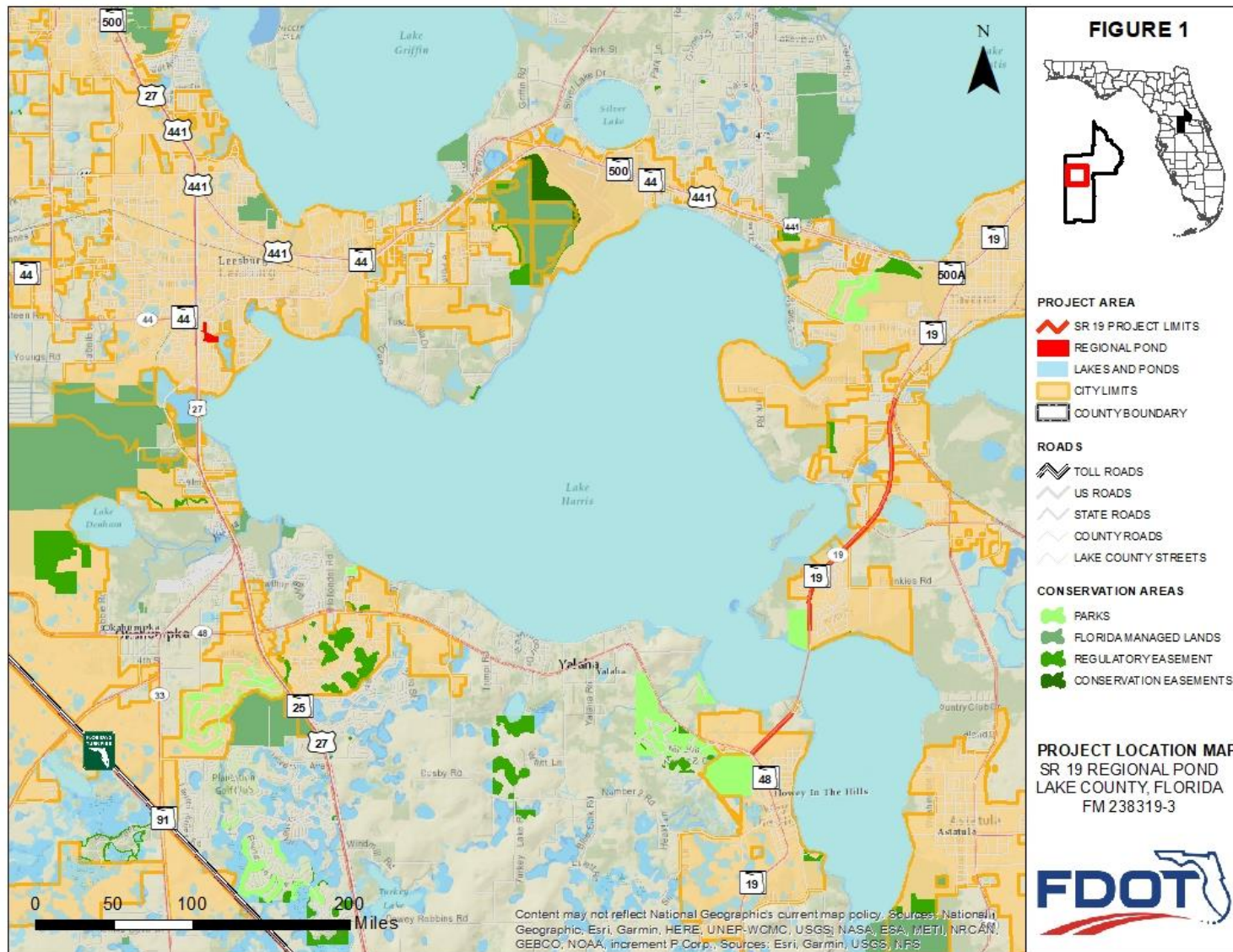
The US Army Corps of Engineers (Corps) is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other Interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to 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.

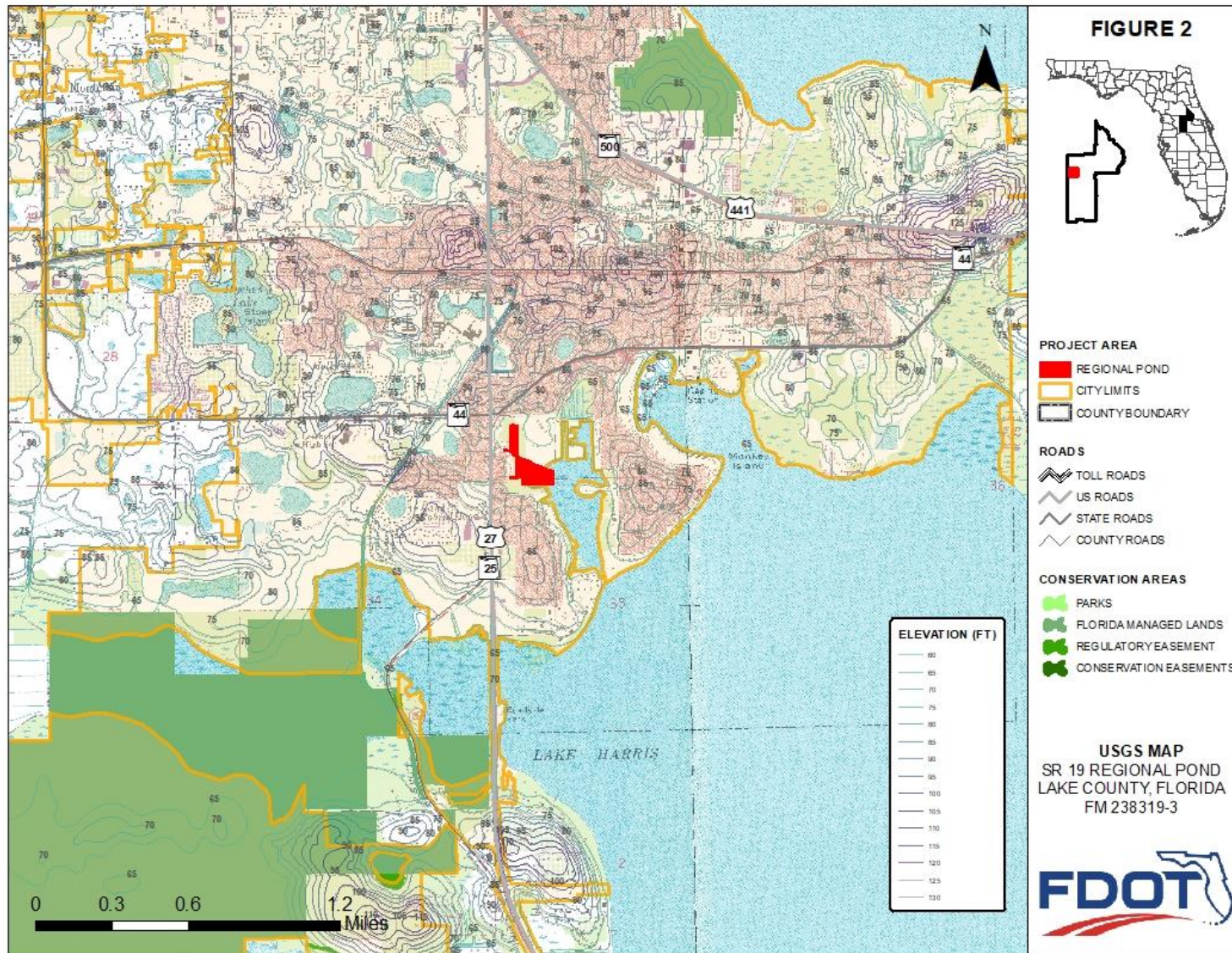
SR 19 Regional Stormwater Management Facility
FM 238319-3

Figure 1: Project Location Map



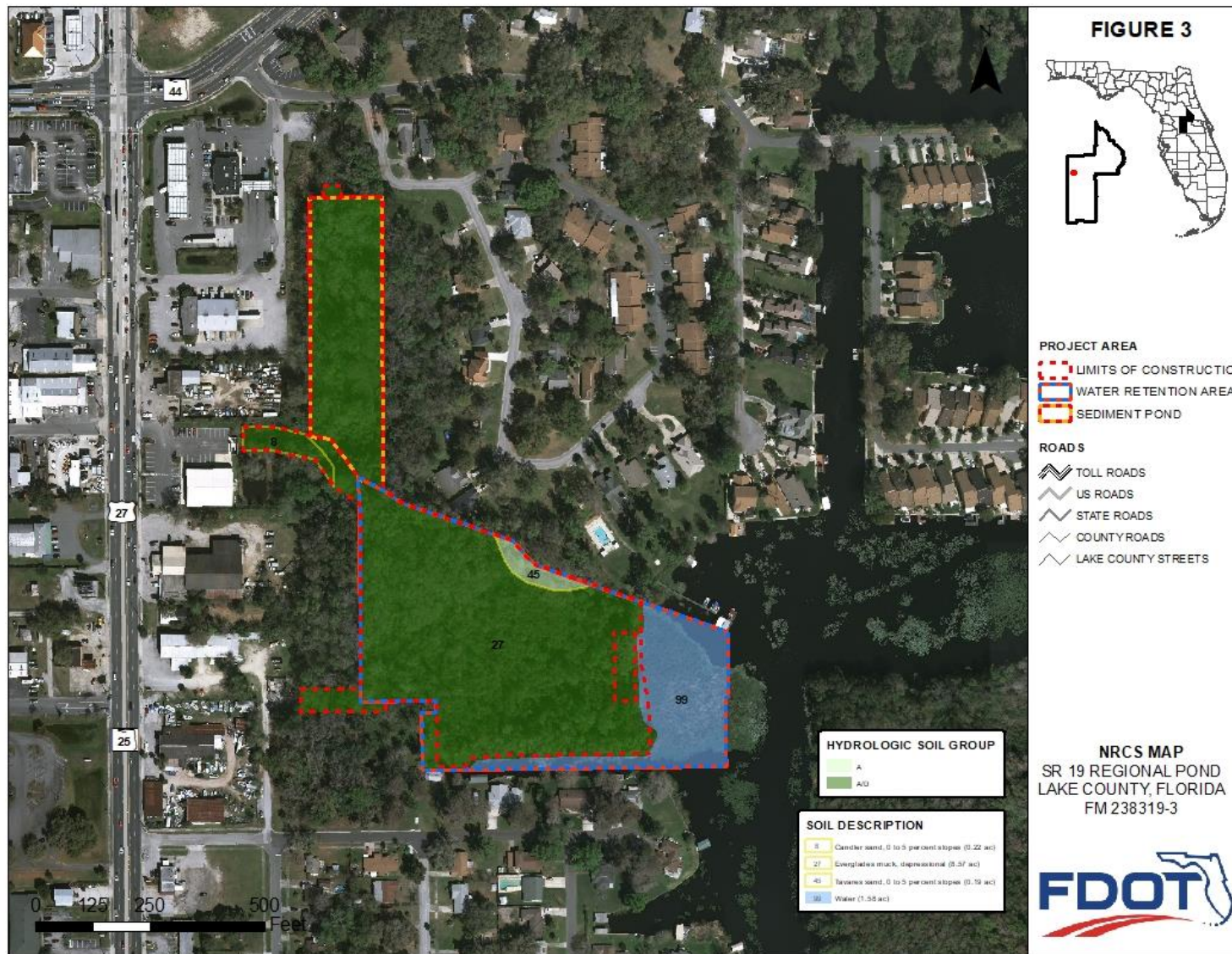
**SR 19 Regional Stormwater Management Facility
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Figure 2: US Geological Survey Topographic Map



**SR 19 Regional Stormwater Management Facility
FM 238319-3**

Figure 3: Natural Resources Conservation Service Soils Map



**SR 19 Regional Stormwater Management Facility
FM 238319-3**

Figure 4: Florida Land Use, Cover and Forms Classification System Map



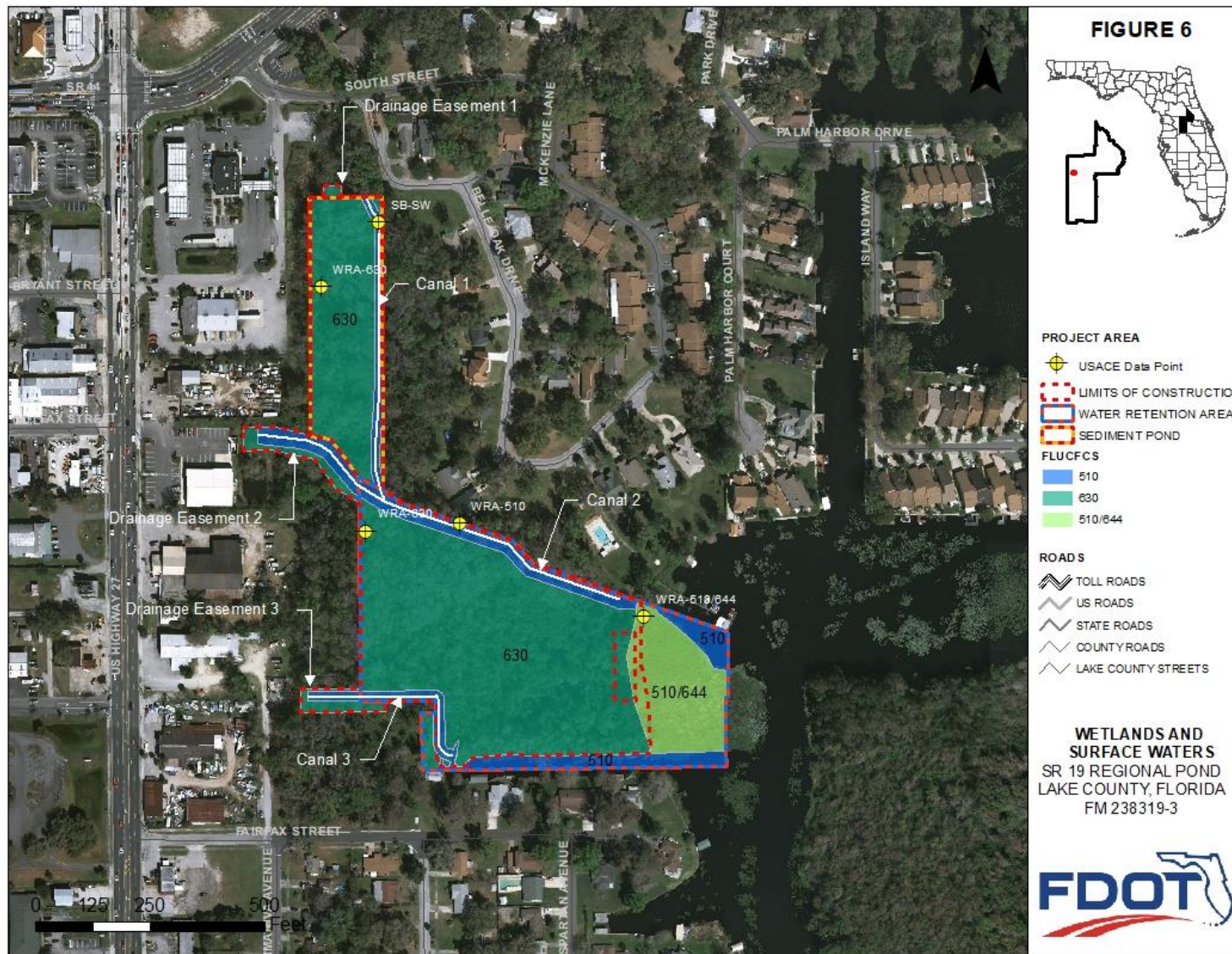
**SR 19 Regional Stormwater Management Facility
FM 238319-3**

Figure 5: Flood Insurance Rate Map



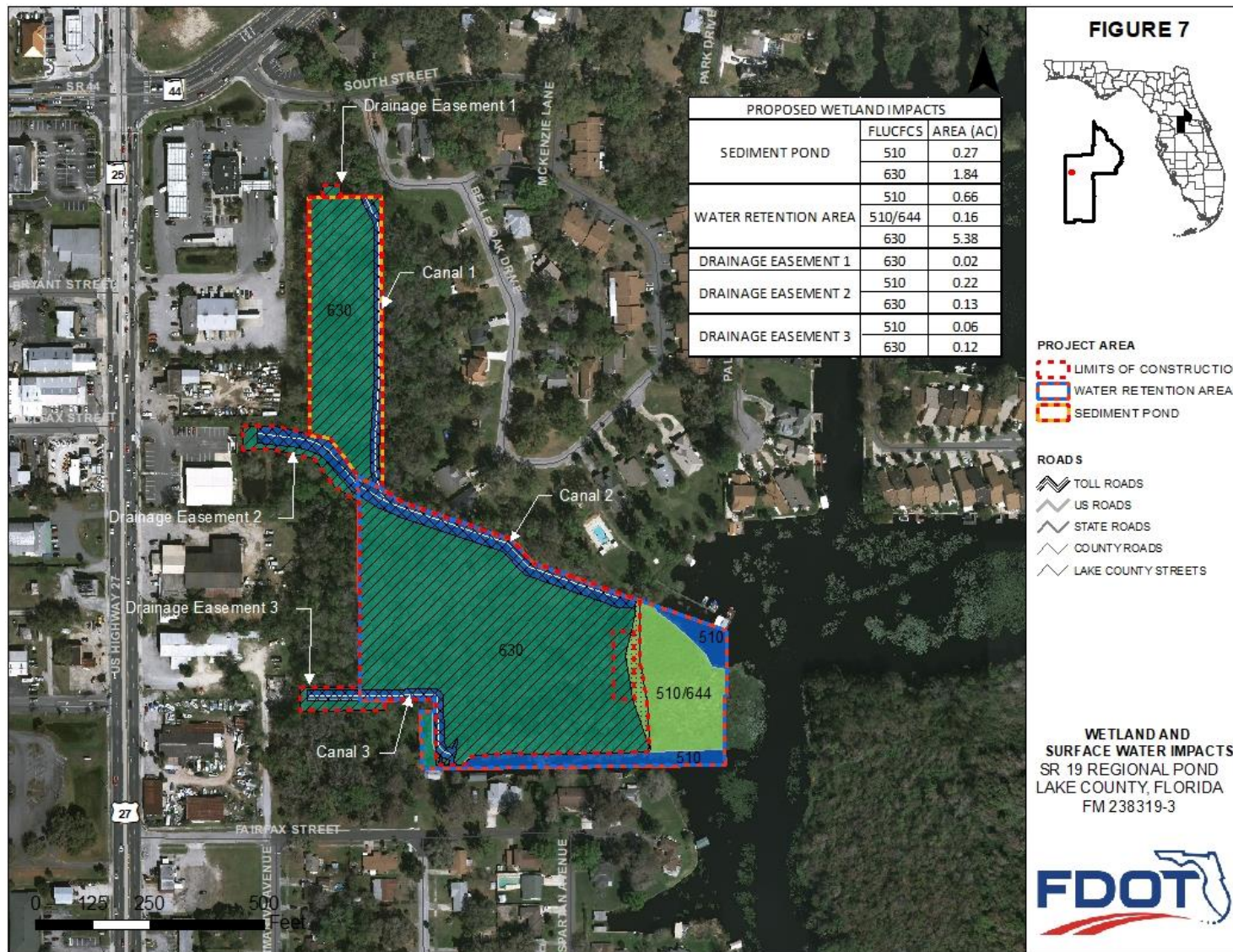
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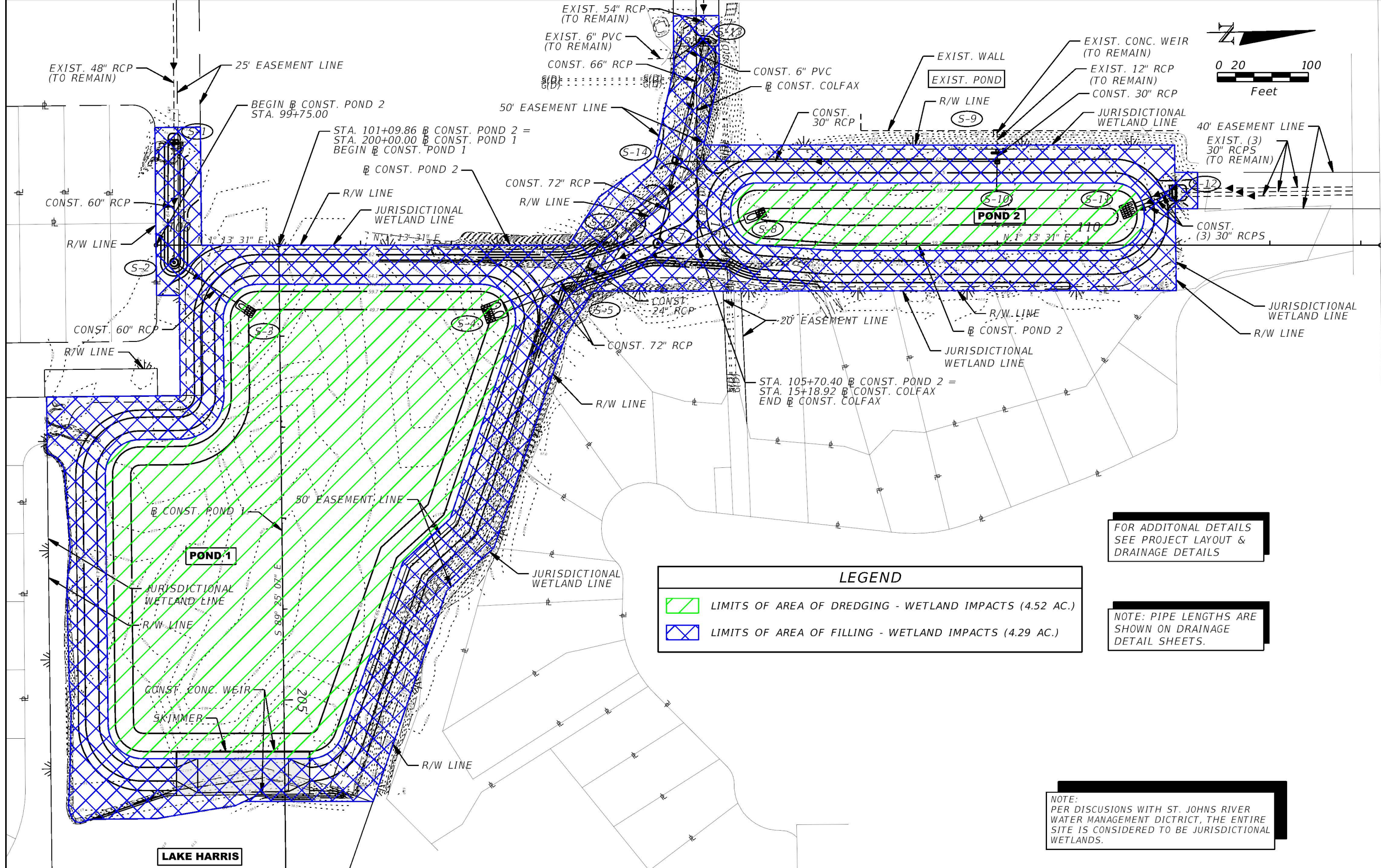
Figure 6: Wetland and Surface Water Map



**SR 19 Regional Stormwater Management Facility
FM 238319-3**

Figure 7: Wetland and Surface Water Impacts Map





REVISIONS				STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION			WETLAND IMPACT EXHIBIT	SHEET NO. 1
DATE	DESCRIPTION	DATE	DESCRIPTION	ROAD NO.	COUNTY	FINANCIAL PROJECT ID		
				SR 44	LAKE	238319-3-72-01		

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