

DEPARTMENT OF THE ARMY PERMIT

Permittee: Florida Department of Transportation-District 5
Attn: Patrick Muench
719 South Woodland Blvd.
DeLand, Florida 34720

Permit No: SAJ-2005-6674 (IP-AWP)

Issuing Office: U.S. Army Engineer District, Jacksonville

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: The placement of clean fill into 39.43 acres of waters of the United States (wetlands) and 10.88 acres of jurisdictional surface waters for the widening of Interstate 95 (I-95) from State Road 514 (SR-514) to State Road 528 (SR-528). The work described above is to be completed in accordance with the 305 pages of drawings and 3 attachments affixed at the end of this permit instrument.

Project Location: The proposed project is broken into three segments. The first segment is located in Sections 15,22,27,& 34, Township 27 South, Range 36 East; Sections 3,10,11,12,13,18,19,20,29,32,& 33, Township 28 South, Range 37 East; Sections 3 & 4, Township 29 South, Range 37 East.

Mid point of segment 1: Latitude.....28°03'36" North
Longitude.....80°41'24" West

The second segment is located in Sections 20,21,28,& 33, Township 25 South, Range 36 East; Sections 4,9,15,16,22,27, & 34, Township 26 South, Range 36 East; Sections 3,10,15 & 22, Township 27 South, Range 36 East.

Mid point of segment 2: Latitude.....28°22'27" North

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Longitude.....80°42'42" West

The third segment is located in Sections 7,18,19,20,21,& 28, Township 25 South, Range 36 East; Sections 1 & 12, Township 25 South, Range 35 East; Sections 3,4,9,10,15,22,23,26,27,35, & 36, Township 24 South, Range 35 East.

Mid point of segment 3: Latitude.....28°20'52" North
Longitude.....80°47'12" West

All segments are located in Brevard County, Florida. The on-site wetlands are hydrologically connected to the St. Johns River.

Directions to site: The project begins at the intersection of I-95 and SR-514 and terminates at I-95 and SR-528.

Permit Conditions

General Conditions:

1. The time limit for completing the work authorized ends on **February 22, 2011**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and

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State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature and the mailing address of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. Within six (6) months of the issuance of this Department of the Army permit, the permittee agrees to implement the mitigation for unavoidable impacts to waters of the United States (wetlands) in accordance with Senate Bill 1986 (Chapter 373.4137, Florida Statutes). This mitigation will include the purchase of mitigation bank credits and the restoration of wetlands at the Blue Cypress Water Management area (BCWMA) and Fellsmere Farms.

2. The permittee agrees to purchase a minimum of 11 federal credits from a federally approved mitigation bank whose service area covers St. Johns River Water Management District (SJRWMD) Basin 18. This compensatory mitigation will off-set impacts which occur within SJRWMD Basin 18, as defined within the 2006 FDOT Plan

3. Within 1 year of the commencement of construction, the permittee must provide proof, through utilizing the Wetland Rapid Assessment Procedures (WRAP), monitoring reports and as

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built certifications that 32 functional units of "Lift" have been or will be generated by the restoration activities at BCWMA and Fellsmere Farms to off-set impacts within SJRWMD Basin 20. If the Corps is not satisfied that the proposed compensatory mitigation will provide 32 functional units of "Lift" the permittee must provide an alternative mitigation. The permittee shall submit a contingency plan that details corrective actions to be taken within 30 days of notification by the Corps or observation made by the permittee. The Corps reserves the right to fully evaluate, amend, and approve the contingency plan. Within 30 days of Corps approval, the permittee will execute the contingency plan in full.

4. If the mitigation efforts at BCWMA and Fellsmere Farms do not commence within 1 year of construction, the compensatory mitigation will be deemed unsuccessful. Within 90 days of notification by the Corps or observations made by the permittee that the mitigation has failed, the permittee will submit an alternate compensatory mitigation proposal to fully offset the functional loss that occurred as a result of the project. Also, the alternate mitigation proposal will include additional mitigation to compensate for the temporal loss of wetland function associated with the enhancement areas. The permittee will also submit a Wetland Rapid Assessment Procedure (WRAP) for the alternate compensatory mitigation proposal that clearly indicates that the functions and values will be replaced. The Corps reserves the right to fully evaluate, amend, and approve the alternate compensatory mitigation proposal. Within 30 days of Corps approval, the permittee will execute the alternate compensatory mitigation proposal.

5. The permittee agrees to provide as-built drawings of the authorized work. The drawings are to be submitted within 60 days of completion of the authorized work or at the expiration of the construction window of the permit, whichever comes first. The drawings must be signed and sealed by a registered professional engineer. The drawings should include the following:

- a. A plan view of overall footprint of the project showing all "earth disturbance", including wetland impacts, water management structures, and any on-site mitigation areas.

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- b. Submit an As-Built Certification Form with the drawings. A blank form is attached for your use. (Attachment 1)
- c. The Department of the Army Permit number on each sheet.
- d. A description of any deviations from the authorized work. In the event that the completed work deviates, in any manner, from the authorized work, the permittee shall describe, on the As-Built Certification Form, the deviations between the work authorized by the permit and the work as constructed. Any deviations shall also be depicted in the as-built drawings. Please note that the depiction and/or description of any deviations on the drawings and/or As-Built Certification Form does not constitute approval of any deviations by the U.S. Army Corps of Engineers and any deviations will be reviewed by the Enforcement Section to determine the need for enforcement action.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

() Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

() Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

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d. This permit does not authorize interference with any existing or proposed Federal projects.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).

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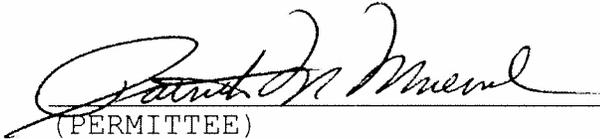
c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions: General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

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Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.



(PERMITTEE)

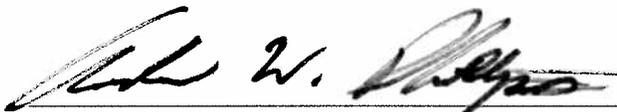
2/23/07

(DATE)

Patrick M. Muench

(PERMITTEE NAME-PRINTED)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.



(DISTRICT ENGINEER)
Paul L. Grosskruger
Colonel, U.S. Army
District Commander

28 Feb 2007

(DATE)

FEB 09 2007

MEMORANDUM FOR RECORD

SUBJECT: Department of the Army Environmental Assessment and
Statement of Finding for Above-Numbered Permit Application

1. Applicant: Florida Department of Transportation-District 5
Attn: Patrick Muench
719 South Woodland Blvd.
DeLand, Florida 34720

2. Location, Existing Site Conditions, Project Description, Changes
to Project:

a. Location: The proposed project is the widening of Interstate
95 (I-95) from State Road 514 (SR-514) to State Road 528 (SR-528).
The proposed project is broken into three segments.

The first segment is located in Sections 15,22,27,& 34, Township 27
South, Range 36 East; Sections 3,10,11,12,13,18,19,20,29,32,& 33,
Township 28 South, Range 37 East; Sections 3 & 4, Township 29 South,
Range 37 East.

Mid point of segment 1: Latitude.....28°03'36" North
Longitude.....80°41'24" West

The second segment is located in Sections 20,21,28,& 33, Township 25
South, Range 36 East; Sections 4,9,15,16,22,27, & 34, Township 26
South, Range 36 East; Sections 3,10,15 & 22, Township 27 South, Range
36 East.

Mid point of segment 2: Latitude.....28°22'27" North
Longitude.....80°42'42" West

The third segment is located in Sections 7,18,19,20,21,& 28, Township
25 South, Range 36 East; Sections 1 & 12, Township 25 South, Range 35
East; Sections 3,4,9,10,15,22,23,26,27,35, & 36, Township 24 South,
Range 35 East.

Mid point of segment 3: Latitude.....28°20'52" North
Longitude.....80°47'12" West

All segments are located in Brevard County, Florida. The on-site
wetlands are hydrologically connected to the St. Johns River and
Turkey Creek.

b. Existing Site Conditions: The project corridor is comprised of forested and herbaceous wetlands. The forested wetlands range from medium quality wetland forested mix communities to lower quality wetlands which have been impacted by ditches and agricultural operations. The forested systems include mixed forested wetlands, exotic wetland hardwoods, and hydric pine flatwoods. Several non-forested wetlands exist within the project corridor. These systems vary greatly in quality and include freshwater marsh and wet prairie habitat.

c. Project Description: The applicant proposes to impact 51.96 acres of U.S. Army Corps of Engineers (Corps) jurisdictional wetlands for the widening of I-95.

d. Changes to Project: The initial application submitted proposed to impact 51.96 acres of wetlands. The Corps completed a jurisdictional determination in accordance with the Supreme Court decision, Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers, 531 U.S. 159 (2001) (SWANCC). Based on this determination 39.43 acres of jurisdictional wetlands and 10.88 acres of jurisdictional surface waters would be impacted by the proposed project. An excel spreadsheet depicting which wetlands and surface waters are jurisdictional to the Corps is included as attachment 1 of this EA-SOF.

3. Project Purpose:

Basic: The widening of the existing I-95.

Overall: The widening of I-95 from SR-514 to SR-528 for the expansion of the existing four-lane roadway to a six-lane roadway with the associated stormwater management facilities.

4. Scope of Analysis: The scope of analysis includes the entire right-of-way and stormwater pond locations.

5. Statutory Authority: Section 404 of the Clean Water Act of 1972, as amended.

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6. Other Federal, State, and Local Authorizations Obtained or Required and Pending:

a. State water quality certification (WQC): The St. Johns River Water Management District (SJRWMD) permit/certification number 4-009-98863-1 was issued on November 7, 2006.

b. Coastal Zone Management (CZM) consistency/permit: There is no evidence or indication from the State of Florida that the project is inconsistent with the Florida CZM. Issuance of a SJRWMD permit certifies that the project is consistent with the CZM plan.

c. Other authorizations: N/A

7. Date of Public Notice and Summary of Comments:

a. Important dates: The Corps received the application on 18 May 2005. The Corps initially reviewed the application on 21 May 2005. The Corps requested additional information on 21 May 2005. The Corps considered the application complete on 1 September 2005. The Corps issued a public notice on 6 September 2005 and sent this notice to all interested parties including appropriate State and Federal agencies.

b. Public notice comments: The Corps has reviewed all of the comments submitted in response to the circulation of the public notice. The Corps has summarized these comments below:

(1) U.S. Environmental Protection Agency (EPA): No response received.

(2) U.S. Fish and Wildlife Service (USFWS): No response received. Consultation was completed via separate letter.

(3) National Marine Fisheries Service (NMFS): Responded via letter dated 9 September 2005. The NMFS Habitat Conservation Division (HCD) initially determined the proposed project may impact Essential Fish Habitat and requested copies of the environmental assessment, compensatory mitigation plan, and stormwater management plan for the proposed work. NMFS, HCD submitted a second letter dated 31 January

2006, which stated based on the information provided, an essential fish habitat and biological assessment are not necessary. The NMFS recommended that FDOT continue coordinating with them and other resource agencies in developing the mitigation plan for the unavoidable wetland impacts that would occur from the proposed project.

(4) State Historic Preservation Officer (SHPO): The project was previously reviewed and it was the opinion of the SHPO that this undertaking is not likely to affect significant historic properties, either listed or eligible for listing in the National Register of Historic Places. SHPO maintained concurrence with this determination.

(5) State and local agencies: No responses received.

(6) Organizations: No responses received.

(7) Individuals: David and Shannon Sullivan submitted comments via electronic mail dated 16 September 2005. The Sullivans requested information about sound walls.

c. Response to the comments: On 21 October 2005, the Corps coordinated comments received in response to the public notice with the applicant. The applicant responded to the comments on 29 November 2005. The applicant supplied the information requested by NMFS.

8. Alternatives

a. Avoidance: The Florida Department of Transportation (FDOT) developed quality enhancement strategies for avoiding and minimizing impacts to wetlands. Alternatives were evaluated during the Project Development and Engineering study. It was determined that widening to the inside of existing lanes was the best alternative based on the fact that no wetlands are located within the median. Impacts to wetlands from the selected alternative are due to entrance and exit ramp modifications for safety of operations and for stormwater management and treatment facilities.

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are no practicable nor less damaging alternatives which would satisfy
the project's overall purpose. yes(X) no()

(d) The least damaging alternative has no other significant
environmental effects. yes(X) no()

(2) Other program requirements:

(a) The proposed activity violates applicable State water
quality standards or Section 307 prohibitions or effluent standards.
yes() no(X)

(b) The proposed activity jeopardizes the continued existence
of federally listed threatened or endangered species or affects their
critical habitat. yes() no(X)

(c) The proposed activity violates the requirements of a
federally designated marine sanctuary. yes() no(X)

(3) The activity will cause or contribute to significant
degradation of waters of the United States, including adverse effects
on human health; life stages of aquatic organisms; ecosystem
diversity, productivity and stability; and recreational, esthetic, and
economic values. yes() no(X)

(4) Minimization of adverse effects:

(a) Appropriate and practicable steps have been taken to
minimize potential adverse impacts of the discharge on the aquatic
ecosystem. yes(X) no()

(b) Compensatory mitigation: Mitigation will be completed in
accordance with Section 373.4137 of the Florida Statue (a.k.a. Senate
Bill 1986). The Corps has evaluated the Wetland Rapid Assessment
Procedures (WRAP) provided by the applicant and determined the project
will have an approximate functional loss of 18.95 units. The WRAP was
performed for wetlands located within the existing right-of-way and
pond sites. WRAP's were not performed for wetlands outside of the
right-of-way. The state and Corps are evaluating secondary impact
areas approximately 25-feet outside of the right-of-way and around

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pond sites. The secondary impacts total approximately 4.81 acres for a functional loss of 1.92 units. The functional loss per segment includes

Segment 1

Community Type FLUCCS code	Wildlife Utilization	Wetland Overstory/ Shrub Canopy	Wetland Vegetative Ground Cover	Adjacent Upland/ Wetland Buffer	Wetland Hydrology	Water Quality	Total Score	Impact acres
Wetland Ditches (FLUCCS 510)	2.0	NA	1.0	0.5	1.5	1.3	0.42	0.463
Mixed Wetland Hardwood (FLUCCS 617)	1.5	2	1.5	1.5	1.0	1.3	0.49	2.58
Cypress (FLUCCS 621)	1.5	1.0	1.0	1.5	1.0	1.3	0.41	2.06
Hydric Pine Flatwoods (FLUCCS 625)	1.5	1.5	1.0	1.5	1.0	1.3	0.43	0.62
Freshwater Marsh (FLUCCS 641)	2.5	NA	2.5	2.0	2.0	1.3	0.69	7.7
Wet Prairie (FLUCCS 643)	1.0	NA	1.0	1.0	1.0	1.3	0.35	1.7

Segment 2

Community Type FLUCCS code	Wildlife Utilization	Wetland Overstory/ Shrub Canopy	Wetland Vegetative Ground Cover	Adjacent Upland/ Wetland Buffer	Wetland Hydrology	Water Quality	Total Score	Impact acres
Mixed Wetland Hardwood (FLUCCS 617)	1.5	1.5	1.5	1.5	1.5	2.0	0.52	2.59
Freshwater Marsh (FLUCCS 641)	1.5	NA	1.0	1.0	1.5	1.4	0.42	0.4
Wet Prairie (FLUCCS 643)	2.0	NA	2.0	1.5	1.5	1.8	0.58	3.44

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Segment 3

Community Type FLUCFCS Code	Wildlife Utilization	Wetland Overstory/ Shrub Canopy	Wetland Vegetative Ground Cover	Adjacent Upland/ Wetland Buffer	Wetland Hydrology	Water Quality	Total Score	Impact acres
Wetland Forested Mixed (FLUCFCS 630)	1.5	2.0	1.5	1.5	1.0	1.3	0.49	3.07
Shrub Wetland (FLUCFCS 632)	1.0	n/a	1.0	1.0	1.0	1.3	.29	0.0
Freshwater Marsh (FLUCFCS 641)	2.5	n/a	2.5	2.0	2.0	1.3	0.69	6.26
Wet Prairie (FLUCFCS 643)	1.0	n/a	1.0	1.0	1.0	1.3	.29	7.73

The SJRWMD permit for this project authorized a total of 57.71 acres of impact that requires mitigation, including 6.16 acres of secondary impacts. FDOT is required to compensate for this acreage, which is greater than the 39.43 acres of jurisdictional wetlands and 10.88 acres of jurisdictional surface waters under review in the Corps application. The total impact to occur in each SJRWMD regulatory basin is as follows:

- Basin 18 - 17.32 acres
- Basin 20 - 39.84 acres
- Basin 22 - 0.55 acres

The mitigation for these projects was updated as part of the 2006 FDOT Plan (pgs. 14 - 19). The plan is for the impacts to be offset within

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each regulatory basin. Basin 18 impacts will be offset by purchase of credits from one of the three permitted mitigation banks located within basin 18, either Colbert Cameron, East Central Florida South, or Farmton North. A total of 34.64 state credits will be purchased (two credits for each acre of impact) from the bank which offers the lowest price per credit. A total of 17.64 acres of Corps jurisdictional wetlands will be impacted within this basin for a functional loss of 8. units.

Basin 20 impacts will be offset by construction of a berm along canal C-52 at the Blue Cypress Water Management area (BCWMA) to improve water quality within BCWMA and treatment of the *Typha sp.* which has invaded the sawgrass marsh. Construction is scheduled to begin January 2007. Basin 20 mitigation also includes wetland restoration at Fellsmere Farms. FDOT funds from these road projects will be combined with funds from other road projects within each basin to complete the mitigation projects. Project costs have been proportionally divided to calculate an acreage of enhancement and restoration. For the 39.84 acres of state impacts and 22.29 acres of Corps jurisdictional wetlands; these I-95 projects in basin 20, approximately 550 acres of wetlands at BCWMA will be enhanced and 922 acres of wetlands at Fellsmere Farms will be restored. The Corps has determined 26 functional units of loss will occur within this basin. A copy of the Draft Restoration Plan for Fellsmere is included as attachment 2 of this EA-SOF. This plan has not yet been reviewed by the SJRWMD Governing Board and a final copy will be added to the file upon approval.

The 0.55 acres of state impact in basin 22 will be offset by at least 0.55 acres of wetland creation at Wheeler Groves. Additional information about this project is in the 2005 FDOT Plan (pgs. 31 - 35). SJRWMD is planning to begin construction on the project by October 2007.

The compensatory mitigation provided by the applicant exceeds the amount of compensatory mitigation required by the Corps to off-set impacts to waters of the United States (wetlands). The applicant will not be required to provide any mitigation other than what is required to off-set impacts. Each of the federally approved mitigation banks referenced above services portions of the project and has federal

credits for sale. For portions of the project outside of the service area, the Corps has reviewed the mitigation proposal submitted by SJRWMD on behalf of the applicant and concurred with the proposal. Here again the Corps will not require more mitigation than is necessary to off-set the proposed impacts. The SJRWMD will provide a functional assessment of the restoration areas to ensure adequate and justifiable compensatory mitigation is provided.

b. Findings: The project complies with the Guidelines because the proposed site for the discharge of dredged or fill material complies with the Section 404(b)(1) guidelines with the inclusion of the special conditions for mitigation.

10. Public interest review:

a. Public interest factors: The Corps reviewed all of the public interest factors. The Corps considers the public interest factors identified below as relevant to this proposal. The Corps considered both cumulative and secondary impacts on these public interest factors.

(1) Conservation: Impacts are proposed to the inside of the existing roadway no conservation lands are proposed for impact.

(2) Economics: The takings of business are not anticipated for the project completion. No adverse impacts to economics are anticipated.

(3) Aesthetics: The roadway will be designed to current federal, state, and county design standards. No adverse impacts are anticipated.

(4) General environmental concerns: The applicant has completed endangered species surveys throughout the project corridor and did not observe any listed species. The roadway will be widened to the inside of the existing travel lanes and wetland impacts will be mitigated. The applicant will upgrade the existing stormwater management system to treat roadway runoff which is not currently being treated. No adverse environmental impacts are anticipated.

(5) Wetlands: The applicant has significantly reduced impacts to wetlands by widening to the inside of the existing travel lanes. Impacts associated with pond sites are not avoidable due to availability of land and surrounding development. Wetland impacts will be fully mitigated. No adverse wetland impacts are anticipated.

(6) Historic and cultural resources: The project has been reviewed by the State Historic Preservation Officer and determined that no historical or cultural resources will be impacted. No adverse impacts are anticipated.

(7) Fish and wildlife values: The project has been reviewed by the USFWS and determined no federally listed species will be impacted. The State of Florida has also reviewed the project and determined no adverse impacts to fish and wildlife are anticipated. The improvement of the existing stormwater management system will have a net benefit to fish and wildlife values. No adverse impacts are anticipated.

(8) Flood hazards: The applicant will provide compensating storage for impacts within the 100-year floodplain. No adverse impacts are anticipated.

(9) Floodplain values: The project does traverse the 100-year floodplain. However, the applicant has proposed stormwater treatment and compensating storage. No adverse impacts to floodplain values are anticipated.

(10) Land use: The widening will occur within the existing right-of-way. Pond sites will be acquired from the property owner. No adverse impacts are anticipated.

(11) Navigation: The proposed project does not cross navigable waters. No impacts are anticipated.

(12) Shore erosion and accretion: The proposed project will not have an adverse impact on shore erosion or accretion as it is not located in navigable waters. Stormwater treatment systems will reduce any potential impacts associated with accretion in drainage ditches.

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(13) Recreation: The proposed project is located along the existing interstate; no adverse impacts to recreation are anticipated.

(14) Water supply: N/A

(15) Water quality: The applicant will provide water quality treatment and stormwater collection systems in accordance with State of Florida standards. No adverse impacts to water quality are anticipated.

(16) Energy needs: N/A

(17) Safety: The proposed project is needed to address the increase in travel along I-95. This portion of I-95 in Florida has a very low level of service and is anticipated to reach a level of service "F" in the next 5 years. The proposed widening will provide for safer travel and improve the level of service along the roadway. No adverse impacts to safety are anticipated. The applicant will conduct improvements in accordance with federal and state safety guidelines.

(18) Food and fiber production: The widening of I-95 will allow for faster and safer movement of food and fiber products within the State of Florida.

(19) Mineral needs: N/A

(20) Considerations of property ownership: The project occurs within the existing right-of-way. Adjacent property owners were notified of the proposed project and no adverse comments were received.

b. Describe the relative extent of the public and private need for the proposed structure or work: Public needs include employment opportunities and a potential increase in the local tax base. Public benefits include improved travel safety and employment opportunities.

c. Describe the practicability of using reasonable alternative locations and methods to accomplish the objective of the proposed work

where there are unresolved conflicts as to resource use: There are no unresolved conflicts regarding resource use.

d. Describe the extent and permanence of the beneficial and/or detrimental effects, which the proposed work is likely to have on the public, and private uses to which the area is suited: Detrimental impacts are expected to be minimal although they would be permanent in the construction area. The beneficial effects associated with utilization of the property would be permanent.

e. Threatened or endangered species: The applicant has conducted extensive endangered species surveys and has not observed the presence of any federally threatened or endangered species within the project corridor. Due to the quality of the visual observations of endangered species within the project corridor, surrounding habitats, the low occurrence of development within areas of the project corridor, and the potential presence of federally listed species the Corps has determined the proposed project may affect, but is not likely to adversely affect: wood stork, eastern indigo snake, southern bald eagle, and Audubon's crested caracara. The Corps requested USFWS concurrence with these determinations pursuant to Section 7 of the Endangered Species Act via letter dated 7 October 2005.

The USFWS concurred with the Corps determinations via electronic mail dated 30 November 2006.

f. Corps wetland policy: The proposed wetland alteration is necessary to realize the project purpose. The proposed work should result in minimal adverse environmental impacts. The benefits of the project would outweigh the minimal detrimental impacts. Therefore, the project is in accordance with the Corps wetland policy.

g. Cumulative and secondary Impacts: The proposed project is associated with an existing roadway which is undersized for future roadway capacity. The wetlands proposed for impact have been impacted by urbanization are of low quality. Mitigation provided by the applicant would provide long-term functional replacement; therefore, there should not be a cumulative impact to wetland functions within the basin. The use of silt screens and Best Management Practices will also reduce the potential of secondary impacts.

h. Corps analysis of comments and responses: No responses were received. With regard to Mr. Sullivan's concerns, the applicant has completed a noise study and determined the appropriate location for sound wall in accordance with State and Federal noise standards.

11. Essential Fisheries Habitat (EFH): The project was coordinated with the NMFS via the public notice. The NMFS requested additional information and determined a EFH and biological assessment were not required.

The project would not adversely effect Essential Fish Habitat because it is not located within tidal waters. Although the project traverses several drainage systems which discharge to the St. Johns River all stormwater will be treated prior to discharge. The project will traverse one canal that discharges to Turkey Creek; however, there is a dam which prevents water from directly entering the creek. This dam is a sufficient barrier to eliminate impacts to EFH. This determination is supported by the lack of comments from NMFS.

12. Public Hearing Evaluation:

13. Determinations:

a. Finding of No Significant Impact (FONSI): Having reviewed the information provided by the applicant and all interested parties and an assessment of the environmental impacts, I find that this permit action will not have a significant impact on the quality of the human environment. Therefore, an Environmental Impact Statement will not be required.

b. Compliance with 404(b)(1) Guidelines: Having completed the evaluation in paragraph 8 above, I have determined that the proposed discharge complies with the 404(b)(1) guidelines.

c. Section 176(c) of the Clean Air Act General Conformity Rule Review: The proposed permit action has been analyzed for conformity applicability pursuant to regulations implementing Section 176(c) of the Clean Air Act. It has been determined that the activities proposed under this permit will not exceed de minimis levels of direct

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or indirect emissions of a criteria pollutant or its precursors and are exempted by 40 CFR Part 93.153. Any later indirect emissions are generally not within the Corps' continuing program responsibility and generally cannot be practicably controlled by the Corps. For these reasons a conformity determination is not required for this permit action.

d. Public Hearing Request: No requests were received.

e. Public Interest Determination: I find that issuance of a Department of the Army permit is not contrary to the public interest.

PREPARED BY:



Project Manager
Andrew Permits Branch

REVIEWED BY:



OSVALDO COLLAZO
Chief, North Permits Branch

APPROVED BY:



PAUL L. GROSSKRUGER
Colonel, Corps of Engineers
Commanding

Attachments (2)

cc: RD-PE