

APR 02 2008

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 4 (I-4) from State Road 44 (SR-44) to Interstate 95 (I-95). The proposed project is located in Sections 3,4,8,9,17, & 18 Township 17 South, Range 31 East, and Sections 23,24,26,27,33, & 34 Township 16 South, Range 31 East, Volusia County, Florida. The on-site wetlands are hydrologically connected to Tiger Bay, Deep Creek, and Tomoka River.

b. Existing Site Conditions: I-4 is a limited access interstate facility, extending from I-95 to Interstate 275 on the west coast of Florida. Within the project limits I-4 is a four-lane rural divided facility with limited roadside ditches for conveyance of stormwater runoff. The existing roadway consists of two 12-foot travel lanes in each direction, separated by a 64-foot depressed grass median. The inside shoulders are 8 feet paved and the outside shoulders are 12 feet wide with 10 feet paved.

I-4 is an integral part of Central Florida's transportation system. The Interstate carries the greatest number of people and vehicles of any transportation facility in the region and serves many of the area's primary activity centers. It was designed to provide a critical link to and from the east coast and the eastern seaboard, to the west coast of Central Florida. Today the Interstate serves as the primary link between Volusia County and Orlando Metropolitan area.

The project corridor is comprised of forested and herbaceous wetlands. The forested wetlands range from high quality slough systems associated with Tiger Bay, Deep Creek, and Tomoka River to lower quality wetlands which have been impacted by ditches and agricultural operations. The forested systems include cypress systems, bay swamps, and mixed forested wetlands. Only one non-forested wetland exists within the project corridor. This system is a vegetated swale which runs along the edge of right-of-way. The system is dominated by primrose willow, red root, and chain fern. The last type of wetland

system located along the corridor is a shrub and scrub wetland. The wetland is dominated by wax-myrtle and saltbush.

c. Project Description: The applicant proposes direct impacts to 93.52 acres of waters of the United States (wetlands and surface waters) for the widening of Interstate (I-4) from State Road 44 to Interstate 95. The project as proposed is part of a multi modal transportation network that may eventually include both roadway and railway transportation.

d. Changes to Project: The applicant initially proposed 54 acres of impacts to wetlands; due to stormwater management system design changes, impacts increased to 140 acres. Another revision reduced impacts by modifying stormwater pond design which resulted in the proposed 93.52 acres of direct impact and 3.96 acres of secondary impacts associated with untreated stormwater runoff entering wetlands adjacent to the roadway. Initially the applicant proposed the use of existing borrow pits vs. creating new treatment ponds. Upon permit review it was determined the existing borrow pits were not owned by the applicant, provided a moderate functional value, and would require side slope modification. The second submittal included the use of linear treatment ponds along the roadway. It was determined linear treatment ponds would create a safety hazard and were not functioning correctly on other project sites so the applicant removed this request. The third and final design included the use of new stormwater management ponds created along the road corridor which increased wetland impacts.

3. Project Purpose:

a. Basic: The widening of the existing I-4.

b. Overall: The widening of I-4 from SR-44 to I-95 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 is limited to the project area including stormwater management pond locations.

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

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Wetlands 1N,1S,2N,2S,3N,3S,4N,4S,5N,5S,6N,6S are hydrologically connected to or floodplain wetlands associated with Tomoka River.

Wetlands

7N,7S,8N,8S,9N,9S,10N,10S,11N,11S,12N,12S,13N,13S,14M,14N,14S,15N,15S,16N,16S,17S,17N are hydrologically connected and associated with Tiger Bay and Deep Creek.

Wetlands 18N flows south to wetland 18S then flows east to a larger wetland system associated with Tiger Bay which is hydrologically connected to Deep Creek.

Wetlands 19N,19S,20M,20N,21N are associated with Deep Creek and drain south to the St. Johns River.

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 4-127-64105-5 was issued on 11 September 2007.

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 WMD 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. Pre-application meeting(s): The Corps conducted a field verification of the wetland lines and functional assessment 19 February 2003.

b. Important dates: The Corps received the first application on 12 May 2003. The Corps initially reviewed the application on 20 May 2003. The applicant withdrew the application 10 March 2003. The Corps reactivated the file on 19 January 2007 when the applicant submitted revised plans. The Corps requested additional information

on 19 January 2007. The Corps considered the application complete on 13 February 2007. The Corps issued a public notice on 14 February 2007 and sent this notice to all interested parties including appropriate State and Federal agencies.

c. 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.

(3) National Marine Fisheries Service (NMFS): No response received.

(4) State Historic Preservation Officer (SHPO): By letter dated 2 March 2007, SHPO indicated that the proposed project would have no effect on any sites listed, or eligible for listing, in the National Register of Historic Places, or otherwise of national, state, or local significance.

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

(6) Organizations: No response received.

(7) Individuals: Ms. Jan Berchtold responded via e-mail dated 21 February 2007, requesting information regarding a parcel she owns. It was determined no impact would occur to Ms. Berchtold's parcel.

(8) Others Including Internal Coordination: N/A

d. Response to the comments: Since no adverse comments were received, none were forwarded to the applicant. The applicant was asked to provide an alternatives analysis, minimization, and mitigation via letter dated 24 April 2007. The applicant responded via letter dated 4 February 2008.

8. Alternatives

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a. Avoidance: (No action, uplands, availability of other sites): In the evaluation of any roadway expansion project, four aspects should be assessed for avoidance. These aspects include the "no action" alternative, the no build alternative, expanding the existing roadway, constructing a new roadway. I-4 has been in its present location since 1965. In developing this project, adverse impacts to the environment were very important in the FDOT evaluations. This included not only wetlands but also other issues such as residential and business disruption, utilities, cultural resources, water quality and contamination issues. FDOT completed an Environmental Impact Statement (EIS) for the widening of I-4 from SR-528 to SR-472. The Corps was a cooperating member of this EIS. FDOT completed an Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) for the widening of I-4 from SR-472 to I-95 in Volusia County. The EA was signed by Federal Highway Administration (FHWA) on 12 May 2000 and the FONSI was signed the same date. The application for the project as proposed is based on the findings and conclusions of the EA and FONSI.

The EA completed by FHWA evaluated the "no build" alternative as well as an alternatives design. The "no build" alternative included widening existing roadways within the region. The EA concluded that the "no build" would avoid ROW and construction costs associated with the proposed improvements, eliminate short-term disruption that would occur along the existing roadways during construction activities, and prevent business or residential impacts or impacts to undeveloped lands or wetlands. The disadvantage of the "no-build" alternative is that there would be no provision to accommodate the anticipated growth in traffic volumes. Evaluation of Level of Service (LOS) in the design year 2020 suggests this segment of I-4 would have almost the lowest level of service "D" for the segment of the roadway from SR-44 to US-92. The LOS from US-92 to I-95 would be "C".

The EA evaluated design alternatives including Center Alignment, Right Alignment, and Left Alignment. FHWA concluded a preferred alternative would be widening to the center of the existing travel lanes including the development of a 44-foot "Future Rail Envelope".

The Corps further evaluated avoidance of wetland impacts associated with the I-4/US Highway 92 interchange and proposed stormwater

management pond locations. The EA identified interchange improvements for I-4/US Highway 92 that call for:

1. Increase ramp lanes from single to dual to accommodate future traffic volumes and emergency traffic;
2. Increase acceleration/deceleration lengths in accordance with current design; and
3. Change the I-4 eastbound exit from left side to right side to improve safety.

FDOT stated the right exit onto US-92 is required because a left exit is not consistent with American Association of State Highway and Transportation Officials (AASHTO) design standards. AASHTO (A Policy on Geometric Design of Highways and Streets, 2004) states:
Left hand entrances and exits are contrary to the concept of driver expectancy when intermixed with right-hand entrances and exits. Extreme care could be exercised to avoid left-hand entrance and exits in the design of interchanges. Even in the case of major forks and branch connections, the less significant roadway should exit and enter on the right.

Left-side ramp terminals back up the uniformity of interchange patterns and in general create hesitant operation on the through roadways... their use on high-speed, free-flow ramp terminals is not recommended.

As stated above the EA identified a preferred alternative which designates a 44-foot "Future Rail Envelop" in the center of the travel lanes; if the off ramp was constructed in the same configuration this would eliminate the rail envelope. Further, FDOT has determined the exiting left hand bridge is below standard structural integrity, with no possibility of a permanent fix. A fix is not possible due to a muck pocket (over 15-feet in depth) located at the bridge which has caused the bridge to settle.

b. Minimization: The project as proposed has gone through three re-designs to address stormwater management requirements. The initial design utilized the existing borrow pits created during construction of I-4. This design proposed 54 acres of wetland impact. The design was rejected due to private ownership of the borrow pits, ecological significance of the borrow pits, and amount of reconfiguration requirement to meet design standards. The second design utilized

linear treatment ponds. This design proposed 140 acres of wetland impact and was rejected due to safety standards, the fact linear ponds were not performing effectively, and the level of wetland impacts. The third and current design utilizes the creation of traditional stormwater management ponds. This design proposes 94 acres of wetland impact. In an effort to reduce impacts to wetlands since developing the final design the applicant has incorporated compensating treatment and over sized storm sewer to reduce the total number of stormwater management ponds. These actions reduced wetland impacts by 34.16 acres.

To reduce impacts to wildlife the applicant proposes to construct 3 wildlife crossings within this segment of I-4. The crossings will consist of two underpasses and 1 over pass. The crossing locations and configurations have been identified and approved by wildlife regulatory agencies. It is anticipated that these crossings will create a wildlife corridor which extends from Volusia County to Marion County.

c. Project As Proposed: The project will cause impacts to 93.52 acres of wetlands.

d. Conclusions of Alternatives Analysis: The Corps concurs with the "No Build" alternative and alternatives analysis identified in the EA signed by FHWA. Further, the "no build" alternative would not allow for project completion and would continue to cause traffic congestion and safety issues in the current state. Construction of an alternative roadway was not considered because this project is part of a multi modal transportation network that may eventually include both roadway and railway transportation. Further, a new roadway would not be economically or environmentally feasible.

The Corps provided a letter dated 9 December 1998, stating a preliminary review of the existing wetlands, the proposed impacts, and the measures already proposed to comply with the Section 404(b)(1) Guidelines indicates that the project has, to the extent practicable, avoided and minimized wetland impacts. Copies of the EA are maintained by Florida Department of Transportation in Deland, Florida and the FHWA in Tallahassee, Florida. To review copies of the EA please contact either FDOT or FHWA.

9. Evaluation of the 404(b)(1) Guidelines:

a. Restrictions on discharges:

(1) Alternatives (See paragraph 8):

(a) The activity is located in a special aquatic site (wetlands, sanctuaries and refuges, mudflats, vegetated shallows, coral reefs, riffle and pool complexes, etc.) yes(X) no()

(b) The activity needs to be located in a special aquatic site to fulfill its basic purpose. yes() no(X)

(c) It has been demonstrated in paragraph 8 above that there 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: The applicant has proposed compensatory mitigation to offset all unavoidable impacts to Corps jurisdictional wetlands. Wetland impacts will be mitigated pursuant to the Senate Bill 1986 Rule - Section 373.4137 Florida Statutes (F.S.). The applicant has completed a Wetland Rapid Assessment Procedure and determined the direct impacts would cause 61.0 (60.71 forested and 0.29 non-forested) functional units of loss.

The proposed wetland impacts occur in two regulatory basins, with 58.22 acres in basin 17 (Halifax River) (32.7 functional units of loss) and 38.44 acres in basin 18 (St. Johns River, Canaveral Marshes to Wekiva) (28.38 functional units of loss). There are separate mitigation plans for each basin, in order to comply with the State criteria for cumulative impact.

The basin 17 impacts are part of mitigation group SJ28 (page 30 of the 2002 plan.) The plan for the group included a stormwater retrofit project by the City of South Daytona, preservation and enhancement of wetlands and uplands, and purchase of credits from Farmton Mitigation Bank, to the extent that credit purchase was cost-effective. As credit purchase was determined to not be a cost-effective option, the preservation and enhancement component of the mitigation was proportionally increased. As of this date the mitigation for this project group is approximately 90% complete.

The South Daytona retrofit project is a small part of the mitigation plan but was included in order to add some water quality improvement as the remainder of the plan is primarily focused on other wetland functions. The retrofit project, which is complete, provides treatment for 170 acres of older urban areas that previously discharged directly to the Halifax River via East Big Tree Canal without treatment.

SJRWMD has partnered with Volusia County to acquire approximately 3,872 acres of wetlands and uplands to substantially expand the conservation area adjacent to Tiger Bay State Forest. The acquisition is also intended to complement future FDOT construction of wildlife crossings at I-4. The parcels Vargal (Krol), Volusia 44 and Longleaf

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Pines (Paul Smith) were purchased as mitigation for this project group. Volusia County is the Land Manager of these parcels and is implementing fire management and invasive species control programs to enhance the habitat value of the wetlands and upland buffers. FDOT has funded purchase and management of 2089 acres of these parcels for mitigation group SJ28 of which 1295 acres is mitigation for the basin 17 impacts associated with the pending I-4 permit application.

The basin 18 impacts are offset as part of mitigation group SJ42 (2002 plan, page 34, and 2006 plan page 11). The plan for this group is preservation and enhancement in the Volusia Conservation Corridor and the Tiger Bay to Heart Island connector and purchase of credits from one of basin 18 mitigation banks.

The Plum Creek/Volusia Rayonier Conservation Easement, Clark Bay Conservation Area, Fore and WT Ranch conservation easements and a small portion of the Volusia 44 parcel comprise 8024 acres of conservation land. FDOT has funded, or is expected to fund 4098 acres of this through mitigation group SJ42, of which 1721 acres is mitigation for the proposed project.

For the SJ42 group the District has also purchased 55 credits from East Central Florida South Mitigation Bank and has an option to purchase up to 10 additional credits, pending final reconciliation of impact acreages. SJRWMD proposes the use of 25.63 credits to be used as partial offset for this project (FM# 4084641).

b. Findings: The proposed project complies with the Guidelines with the inclusion of special conditions requiring compensation for wetland impacts.

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: No adverse impacts are anticipated. The applicant will provide compensatory mitigation which will increase

conservation lands within Central Florida.

(2) Economics: No adverse impacts are anticipated. The widening of the roadway will decrease travel time and fuel costs, and increase mobility, all of which have positive impacts on the economy.

(3) Aesthetics: No adverse impacts are anticipated since the roadway currently exists.

(4) General environmental concerns: No adverse impacts are anticipated, the application has been reviewed and coordinated with State and Federal resource agencies which resulted in no adverse responses.

(5) Wetlands: No adverse impacts are anticipated. The applicant has designed the project to avoid impacts to the maximum extent practicable while still allowing project completion. The applicant will provide compensatory mitigation to off-set all unavoidable impacts to wetlands.

(6) Historic and cultural resources: A review by the SHPO resulted in a determination that the project as proposed will not impact properties or structures eligible for listing or listed in the National Register of Historic Places.

(7) Fish and wildlife values: No adverse impacts are anticipated. A review by USFWS and FFWCC did not result in adverse comments. The applicant proposes the construction of three wildlife crossings and wildlife fencing to facilitate safe wildlife movement.

(a) FWS comments: By letter dated 7 June 2007, the USFWS concurred with the Corps' "may affect, but is not likely to adversely affect" determination for wood stork and Eastern Indigo Snake. USFWS also stated that with the inclusion of the following recommendations the project may affect, but is not likely to adversely affect Rugel's pawpaw.

Qualified personnel with a current 10(a)1(A) Endangered Species Permit should survey areas of Rugel's pawpaw and if impacted by construction activities the proposed impacted areas should be delineated and flagged prior to initiation of construction to aid in the avoidance of

the areas. Construction personnel should be educated of the presence and status of this species. If individual plants can not be avoided, the plants should be relocated to suitable areas prior to impacting the substrate.

(b) Anticipated/known impacts: The applicant has identified habitat suitable for Rugel's pawpaw, a federally listed plant species. Any Rugel's papaw identified will be relocated outside of the construction area. No impacts are anticipated. The wetlands and surface waters located adjacent to the roadway and within the median provide suitable habitat for the eastern indigo snake and the wood stork. Any permit issued will include special conditions which reduce/eliminate the possible taking of these federally listed species.

(8) Flood hazards: No adverse impacts are anticipated. The project will cross three major floodplains; Deep Creek, Tiger Bay, and Tomoka River Basins. Except for Tomoka River, these are not conveyance floodplains but mainly provide storage. The applicant has engineered and designed the roadway to reduce flood hazards and will provide compensating storage within the basins. Issuance of a permit by SJRMWD certifies the project as proposed will not cause flooding.

(9) Floodplain values: No adverse impacts are anticipated. The applicant has engineered and designed the roadway to reduce any impacts to the floodplain. The use of stormwater management systems will control water entering the floodplain. Additionally, the roadway will include cross drains where necessary to maintain hydrologic connectivity within the identified floodplains.

(10) Land use: No adverse impacts are anticipated. The applicant owns a majority of the road right-of-way. The applicant will acquire additional lands where necessary at fair market value.

(11) Navigation: N/A

(12) Shore erosion and accretion: N/A

(13) Recreation: No impacts are anticipated to recreation areas. Mitigation proposed will provide increased recreation opportunities.

(14) Water supply: N/A

(15) Water quality: No adverse impacts are anticipated. The applicant has engineered and designed the roadway to meet State of Florida water quality treatment design standards. Issuance of a permit by SJRMWD certifies the project as proposed is consistent with the State of Florida water quality treatment design standards.

(16) Energy needs: No adverse impacts are anticipated.

(17) Safety: No adverse impacts are anticipated. Widening of the existing roadway and realignment of the US-92 off ramp will improve travel safety within the project limits.

(18) Food and fiber production: No adverse impacts are anticipated.

(19) Mineral needs: No adverse impacts are anticipated.

(20) Considerations of property ownership: No adverse impacts are anticipated. The applicant will acquire additional lands where necessary at fair market value.

b. Describe the relative extent of the public and private need for the proposed structure or work: Public needs include employment opportunities, public safety on the roadway, increased carrying capacity of the roadway, and the more effective movement of vehicular traffic.

c. Describe the practicability of using reasonable alternative locations and methods to accomplish the objective of the purposed 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: The beneficial effects for public transportation may include an increase in public safety, increased carrying capacity of the roadway and the more effective movement of vehicular traffic. The increased carrying

capacity may also facilitate intrastate/interstate commerce.

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 animal species within the project corridor. The Corps has information indicating the potential for the threatened eastern indigo snake and the endangered wood stork to be present in the project area. The Corps has made a determination that the proposed work "may affect, but is not like to adversely affect" the wood stork with the inclusion of wetland compensation for the loss of wetland habitat and "may affect, but is not like to adversely affect" the eastern indigo snake with the inclusion of the Standard Protection Measures for the Eastern Indigo Snake in any permit issued. Additionally, the applicant has identified the presence of Rugel's Pawpaw (*Deeringthamnus rugelii*), a federally listed plant, within small areas of scrub habitat located within the project right-of-way. During the PD&E Study for the project FDOT committed to replant areas of Rugel's Pawpaw if impacted by the construction activities. Based on this commitment by FDOT, the Corps has determined the proposed project will have "no effect" on Rugel's Pawpaw.

By letter dated 7 June 2007, the USFWS concurred with the Corps determination for wood stork and Eastern Indigo Snake. USFWS also stated with the inclusion of the following recommendations the project may affect, but is not likely to adversely affect Rugel's pawpaw.

Qualified personnel with a current 10(a)1(A) Endangered Species Permit should survey areas of Rugel's pawpaw and if impacted by construction activities the proposed impacted areas should be delineated and flagged prior to initiation of construction to aid in the avoidance of the areas. Construction personnel should be educated of the presence and status of this species. If individual plants can not be avoided, the plants should be relocated to suitable areas prior to impacting the substrate.

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 Corps acknowledges that the project might produce minor secondary impacts, such as increased noise and/or light pollution or minor increases in the level of surface pollutants. However, in consideration of the overall limited amount of new roadway and the use of stormwater management systems, the Corps does not believe that any secondary impacts associated with the project would be significant. Further, the Corps has evaluated secondary impacts to wetlands and required compensatory mitigation to fully offset these impacts. The applicant will utilize Best Management Practices to further reduce any potential secondary impacts.

h. Corps analysis of comments and responses: The Corps has reviewed and agreed to incorporate recommendations provided by USFWS. No adverse comments were received in response to the public notice circulated for this project.

11. Essential Fisheries Habitat (EFH): The project would not adversely affect EFH because it is not located within EFH. All wetlands proposed for impact are freshwater systems. The applicant will widen existing bridges over named rivers and tributaries to maintain current flows. Further the applicant will incorporate best management practices during construction to eliminate potential secondary impacts. The NMFS did not provide any EFH conservation recommendations in response to the public notice. NMFS responded via electronic mail dated 29 February 2008 stating the project site does not contain EFH, but does contribute to the health of downstream EFH. NMFS concurred with the mitigation proposed and did not oppose the project. Therefore, the Corps is satisfied that the consultation procedures outlined in 50 CFR Section 600.920 of the regulation to implement the EFH provisions of the Magnuson-Stevens Act have been met.

12. Public Hearing Evaluation: No public hearings were requested. The applicant completed several public meetings during the completion of the EA and FONSI. Many of the public comments received have been addressed by the applicant.

13. Determinations:

a. Finding of No Significant Impact (FONSI): Having reviewed the

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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 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.

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

PREPARED BY:



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Special Projects and Enforcement Branch

REVIEWED BY:

Irene Sadowski
Chief, Cocoa Section

APPROVED BY:



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