

DEPARTMENT OF THE ARMY PERMIT

Permittee: Florida Department of Transportation, District 2
Attn: Van Humphreys
1109 S. Marion Ave.
Lake City, Florida 32025

Permit No: SAJ-2006-8043(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: Impacts to 24.43 acres of waters of the United States (wetlands) and 4.61 acres of surface waters for the addition of four collector distributor lanes along Interstate 295 from United States Highway 17 to Morse Avenue. The work described above is to be completed in accordance with five (5) attachments affixed at the end of this permit instrument.

Project Location: The project is located along Interstate 295 (I-295) at the Collins Road Collector Distributors Roads. Generally located between US-17 to south of Morse Avenue, the project as proposed will traverse the Ortega River. The project is located in Sections 24, 25, 31, 32, & 36, Township 03 South, Range 25 East, Jacksonville, Duval County, Florida.

Directions to site: From the southern intersection of Interstate 95 and I-295 proceed west on I-295 to the intersection of Collins Road.

Latitude & Longitude: Latitude 30° 11' 39.77" North
Longitude 81° 44' 02.33" West

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USACE

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PERMITTEE: FDOT-District 2
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Permit Conditions

General Conditions:

1. The time limit for completing the work authorized ends on **May 16, 2013**. 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 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

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ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. **Reporting Address:** All reports, documentation and correspondence required by the conditions of this permit shall be submitted to the following address: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232. The Permittee shall reference this permit number, SAJ-2006-8043(IP-AWP), on all submittals.
2. **Commencement Notification:** Within 10 days from the date of initiating the authorized work, the Permittee shall provide to the Corps a written notification of the date of commencement of work authorized by this permit.
3. **Erosion Control:** Prior to the initiation of any work authorized by this permit, the Permittee shall install erosion control measures along the perimeter of all work areas to prevent the displacement of fill material. Immediately after completion of the final grading of the land surface, all slopes, land surfaces, and filled areas adjacent to wetlands shall be stabilized using sod, degradable mats, or a combination of similar stabilizing materials to prevent erosion. The erosion control measures shall remain in place and be maintained until all authorized work has been completed and the site has been stabilized.
4. **As-Builts:** Within 60 days of completion of the authorized work or at the expiration of the construction window of this permit, whichever occurs first, the Permittee shall submit as-built drawings of the authorized work and a completed As-Built Certification Form (Attachment 3) to the Corps. The drawings shall be signed and sealed by a registered professional engineer and include the following:
 - a. A plan view drawing of the location of the authorized work footprint (as shown on the permit drawings) with an overlay of the work as constructed in the same scale as the attached permit drawings (8½-inch by 11-inch). The drawing should show all "earth disturbance," including wetland impacts, water management structures, and any on-site mitigation areas.

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b. List any deviations between the work authorized by this permit and the work as constructed. In the event that the completed work deviates, in any manner, from the authorized work, describe on the As-Built Certification Form the deviations between the work authorized by this permit and the work as constructed. Clearly indicate on the as-built drawings any deviations that have been listed. 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.

c. The Department of the Army Permit number.

d. Include pre- and post-construction aerial photographs of the project site, if available.

5. **Fill Material:** The Permittee shall use only clean fill material for this project. The fill material shall be free from items such as trash, debris, automotive parts, asphalt, construction materials, concrete block with exposed reinforcement bars, and soils contaminated with any toxic substance, in toxic amounts in accordance with Section 307 of the Clean Water Act.

6. Within 6 months from the date of initiating the authorized work or 12 months from the effective date of this permit, whichever first occurs, the Permittee shall complete the land acquisition, restoration, and management objectives found on pages 8-13 of the 2008 approved St. Johns River Water Management District (SJRWMD) Senate Bill Mitigation Plan (Plan). The activities described above shall replace the anticipated 16.0 functional units of loss associated with this project.

7. In accordance with the Memorandum of Understanding between the St. Johns River Water Management District (SJRWMD) and the United States Army Corps of Engineers, Jacksonville District signed October 16, 2007 and October 9, 2007 respectively, the SJRWMD shall submit an annual status report and five year update of the mitigation described above.

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8. The Permittee agrees to follow the Standard Protection Measures for the Eastern Indigo Snake during construction. (Attachment 4)

9. The Permittee agrees to follow the Standard Manatee Construction Conditions. (Attachment 5)

Further Information:

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

(X) 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.

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.

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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).

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

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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)

5-12-08

(DATE)



(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)

MAY 16 2008

(DATE)

Fed Paul L. Grosskruger
Colonel, U.S. Army
District Commander

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When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE-SIGNATURE)

(DATE)

(NAME-PRINTED)

(ADDRESS)

(CITY, STATE, AND ZIP CODE)

RECEIVED

MAY 16 2008

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USACE

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***Attachments to Department of the Army
Permit Number SAJ-2006-8043(IP-AWP)***

1. PERMIT DRAWINGS: 16 pages, dated May 29, 2007

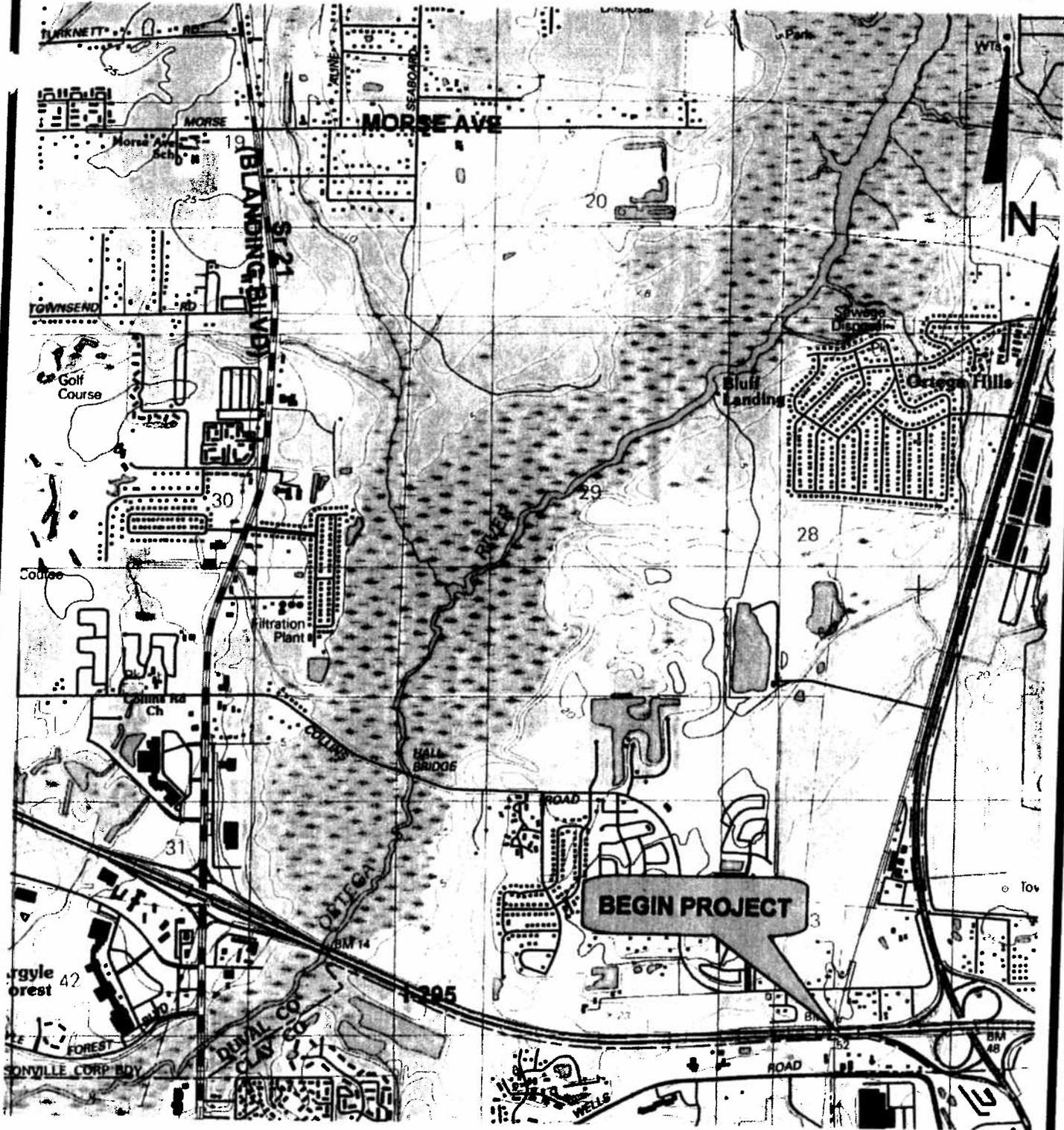
2. WATER QUALITY CERTIFICATION: Specific Conditions of the water quality permit/certification in accordance with General Condition number 5 on page 2 of this DA permit. 8 pages.

3. AS-BUILT CERTIFICATION: 1 page

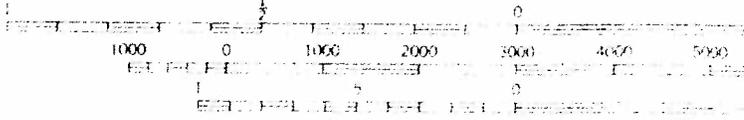
4. EASTERN INDIGO SNAKE PROTECTION MEASURES: 1 page

5. STANDARD MANATEE CONSTRUCTION CONDITIONS: 3 pages

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USACE



SCALE 1:24,000



CONTOUR INTERVAL 10 FEET
NATIONAL GEODETIC VERTICAL DATUM OF 1929

U.S. Army Corps of Engineers
Application # SAT-2006-9043
Date: MAY 29 2007
Sheet 1 of 16

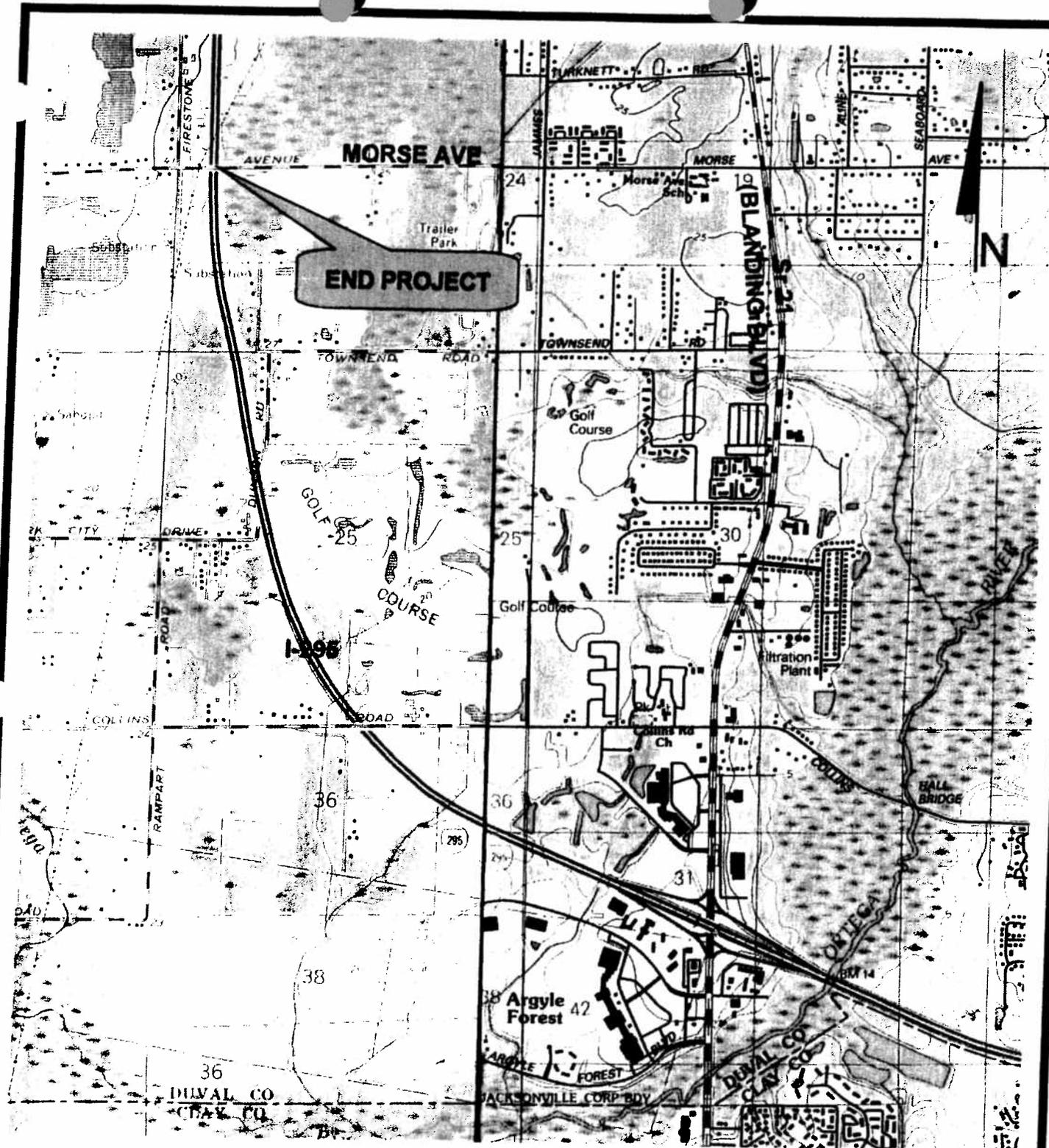


BOWEN CIVIL ENGINEERING, INC.
6885 Belfort Oaks Place • Suite 110
Jacksonville, Florida 32216-6242
Telephone: 904.737.0090 • Fax: 904.737.0040

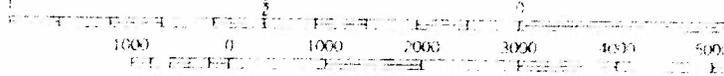
State Road 9A (I)
FIGURE 1: L

U.S. Army Corps of Engineers
Permit # SAT-2006-9043
Date: 5/5/08
Attachment: 2





SCALE 1:24 000



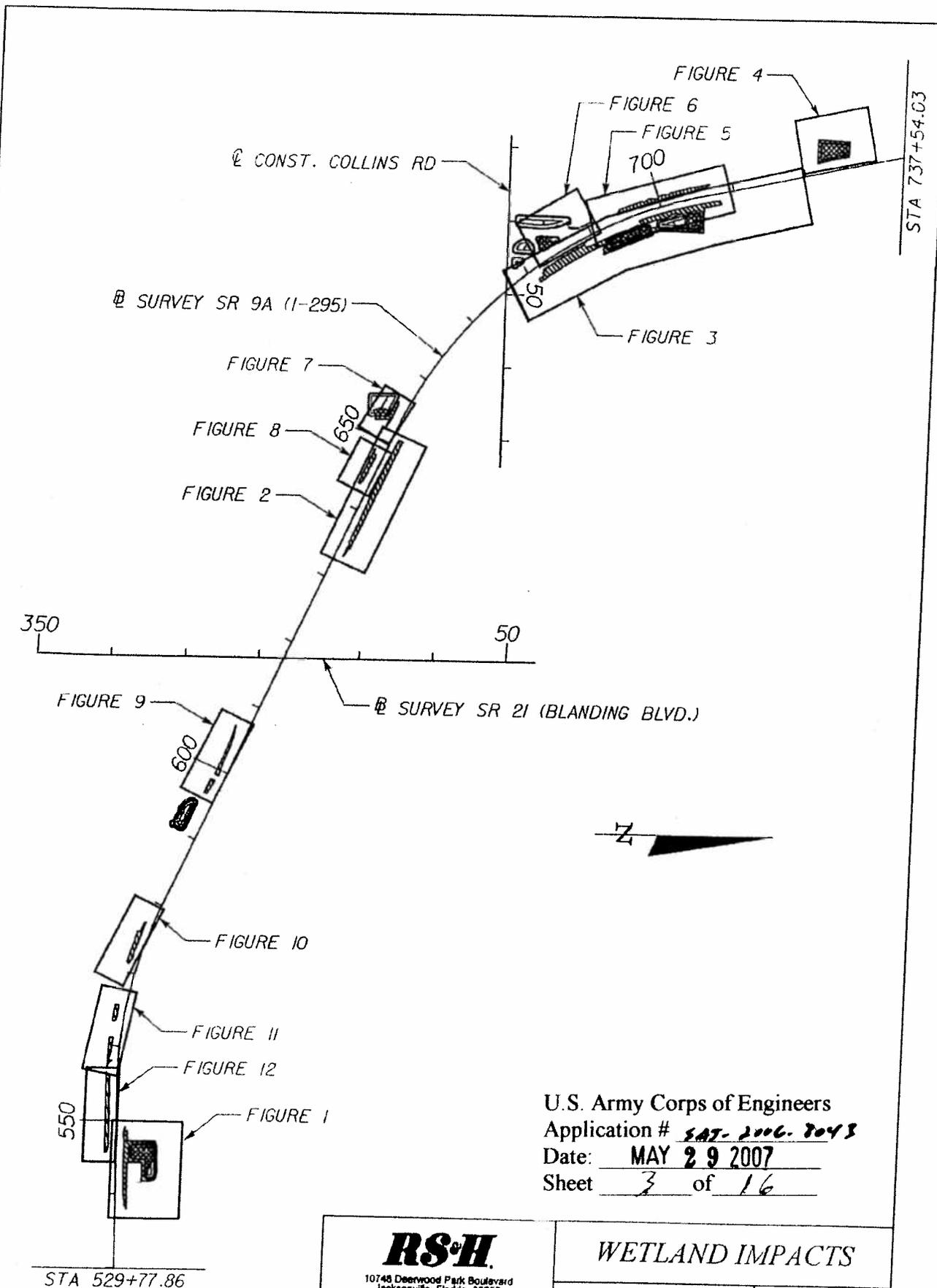
CONTOUR INTERVAL 10 FEET
 NATIONAL GEODETIC VERTICAL DATUM OF 19

U.S. Army Corps of Engineers
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 Date: MAY 29 2007
 Sheet 2 of 16



BOWEN CIVIL ENGINEERING, INC.
 6885 Belfort Oaks Place • Suite 110
 Jacksonville, Florida 32216-6242
 Telephone: 904.737.0090 • Fax: 904.737.0040

State Road 9A (I-295) US 17 to Morse Avenue
FIGURE 1: USGS QUADRANGLE MAP
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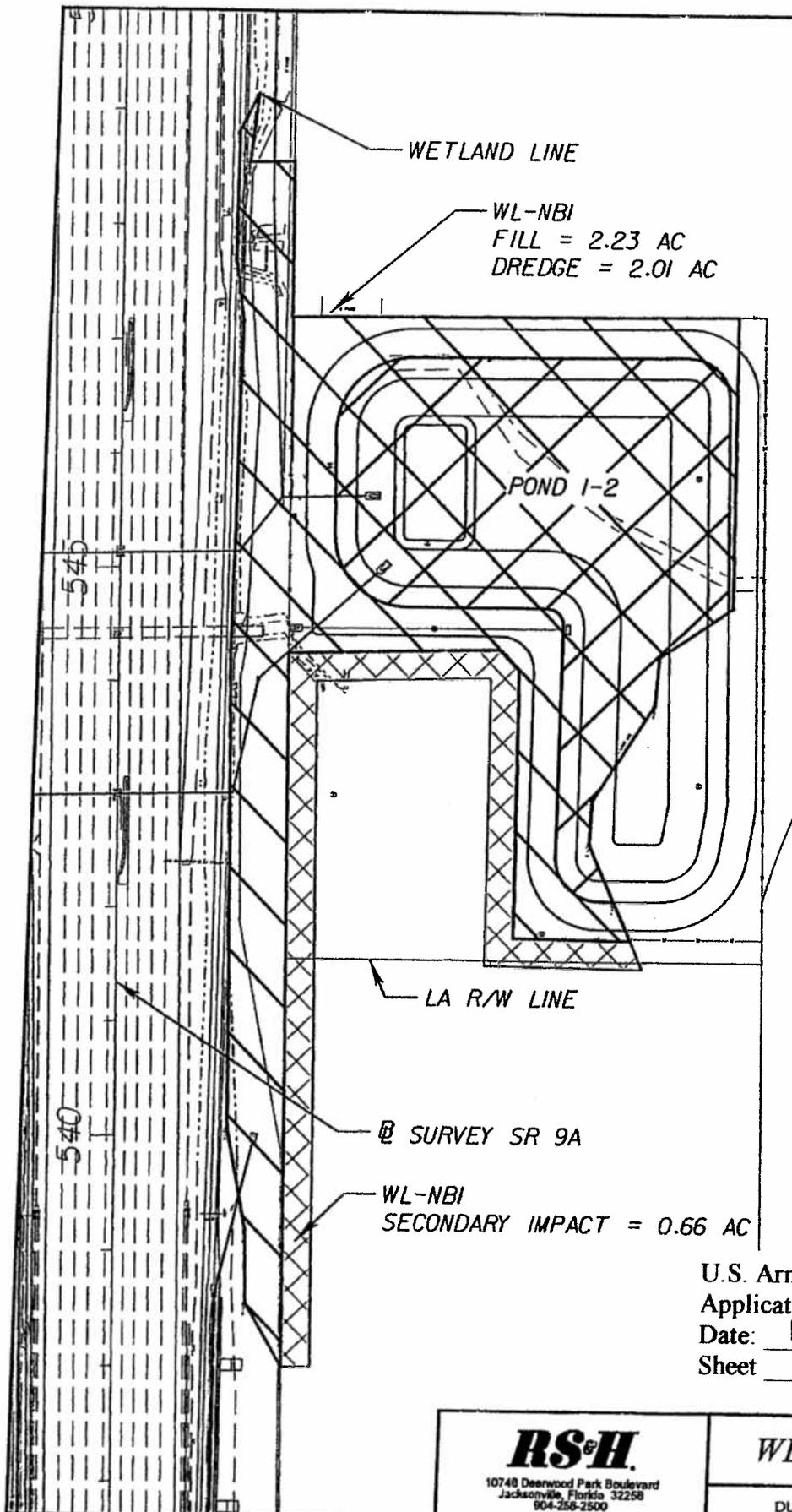
U.S. Army Corps of Engineers
 Application # 5AT-2006-2043
 Date: MAY 29 2007
 Sheet 3 of 16

| | | |
|--|------------------------|-----------|
| RS&H <small>10748 Deerwood Park Boulevard Jacksonville, Florida 32256 904-266-2900</small> | WETLAND IMPACTS | |
| | DUVAL COUNTY | KEY SHEET |

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MAY 16 2008

JACKSONVILLE DISTRICT
USACE



U.S. Army Corps of Engineers
Application # 507-206-8043
Date: MAY 29 2007
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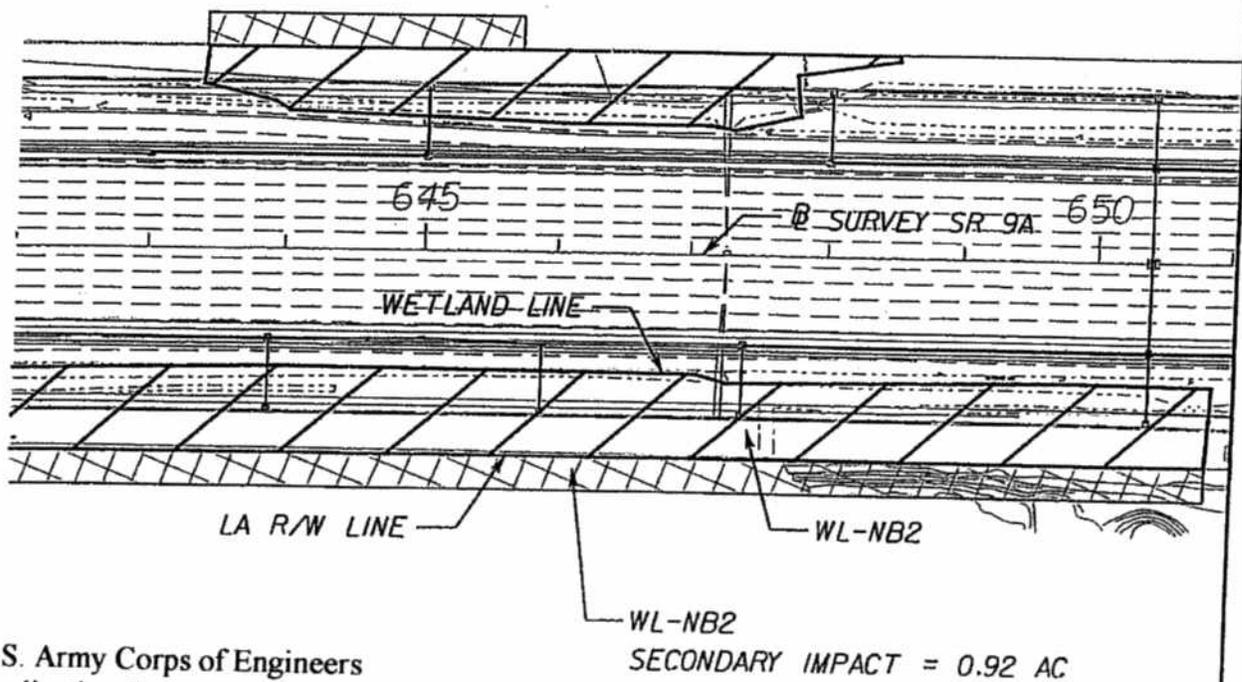
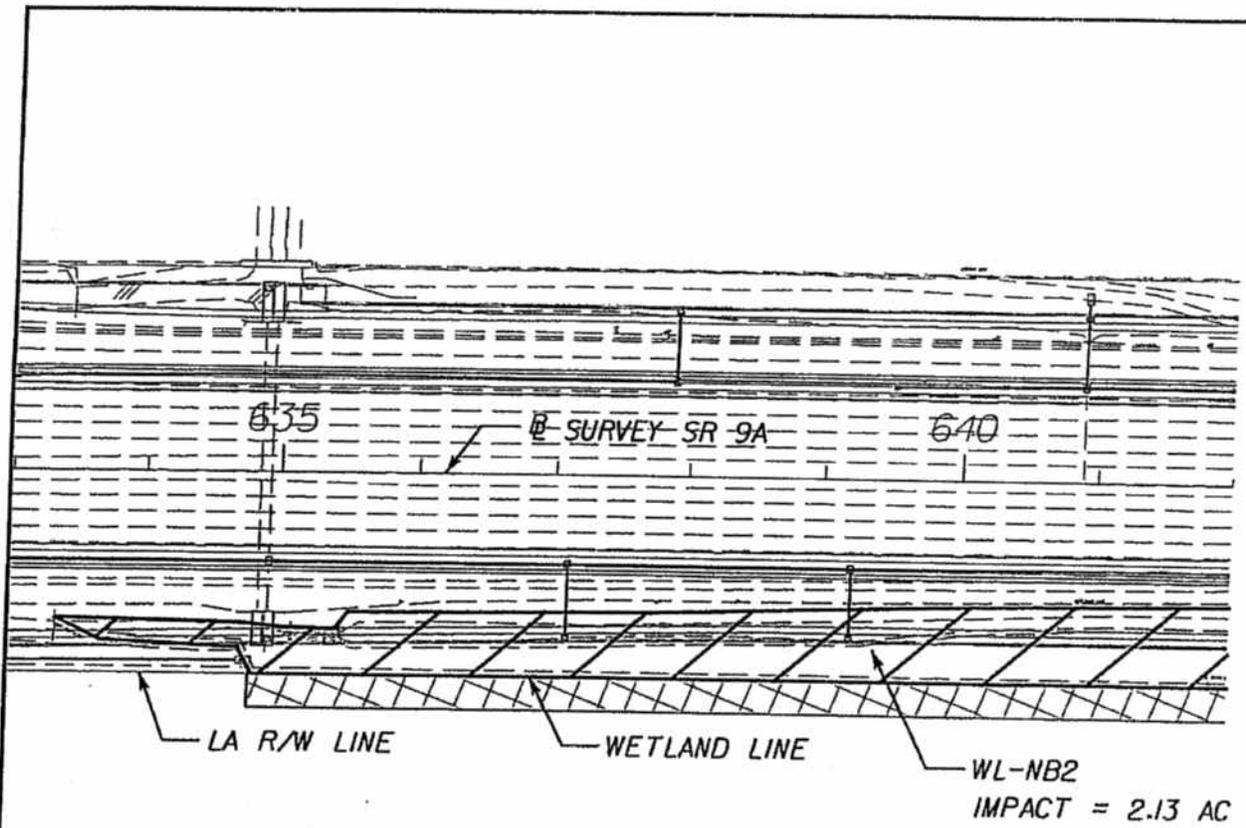
RS&H

10748 Deerwood Park Boulevard
Jacksonville, Florida 32258
904-258-2500

WETLAND IMPACTS

DUVAL COUNTY

FIGURE 1

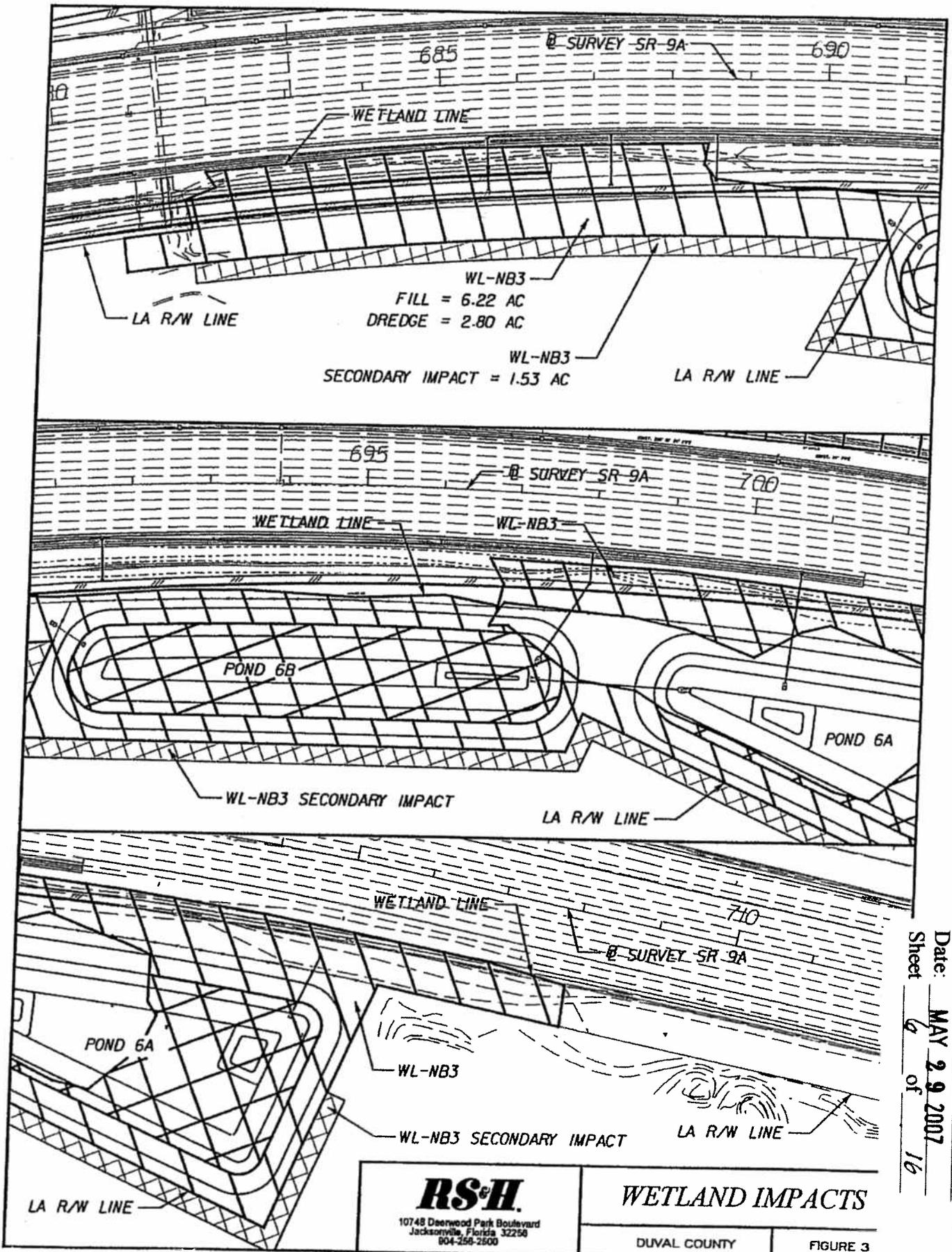


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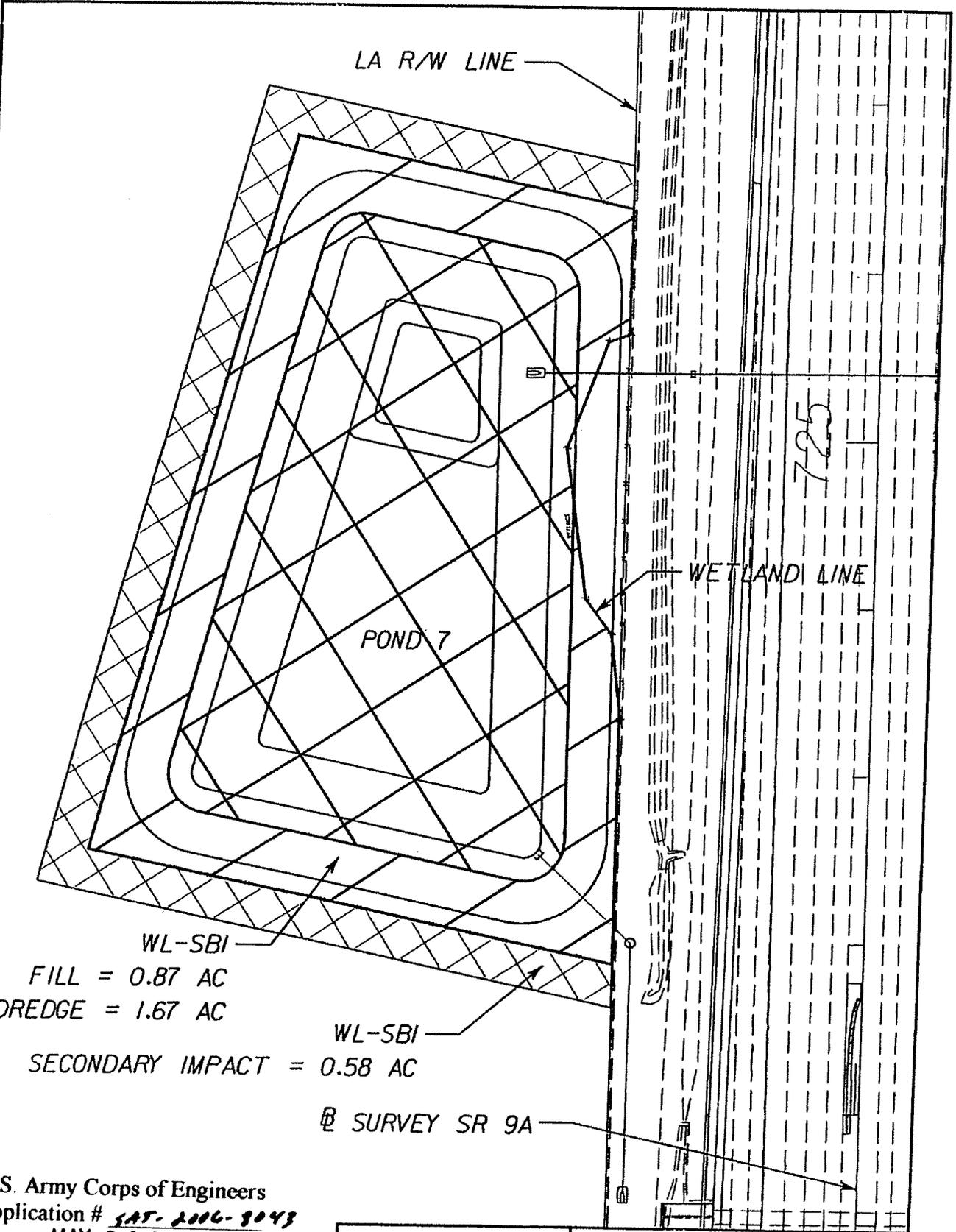
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 Jacksonville, Florida 32256
 904-268-2500

WETLAND IMPACTS

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| DUVAL COUNTY | FIGURE 2 |
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U.S. Army Corps of Engineers
 Application # 545-2006-1073
 Date: MAY 29 2007
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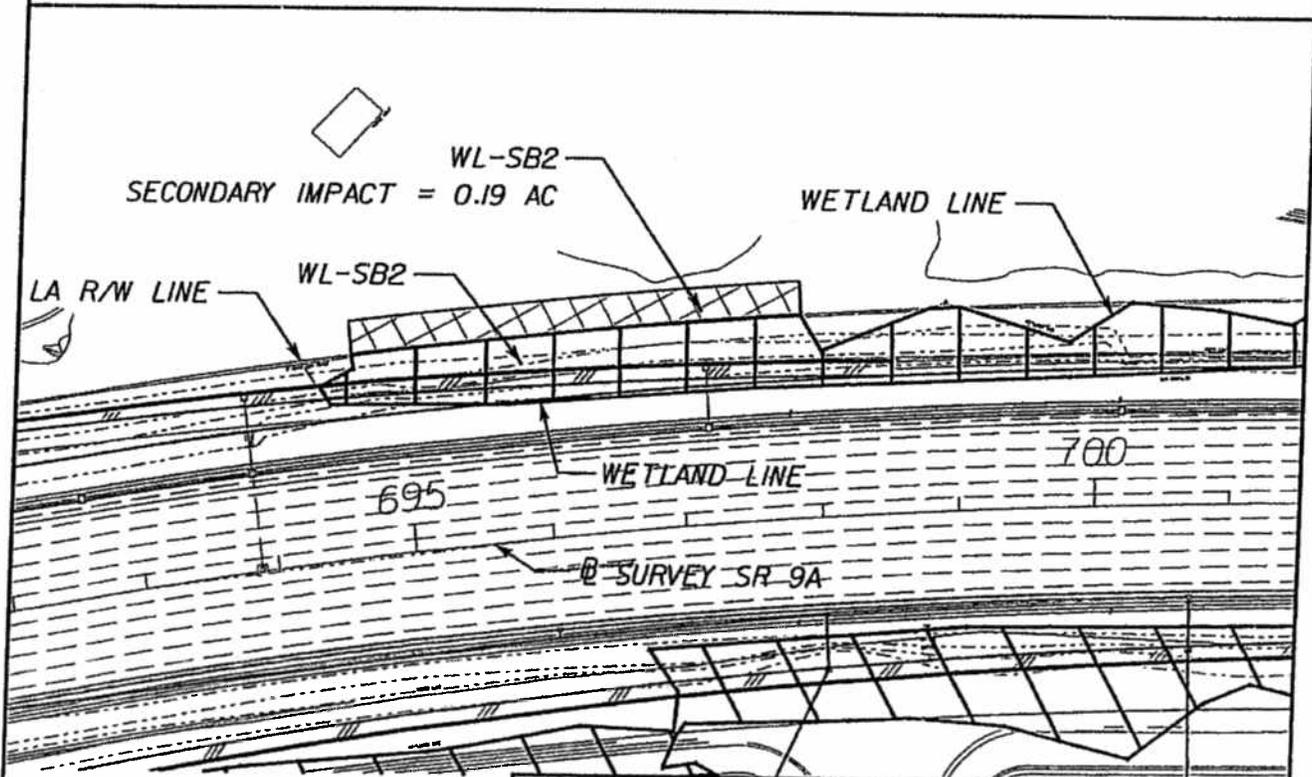
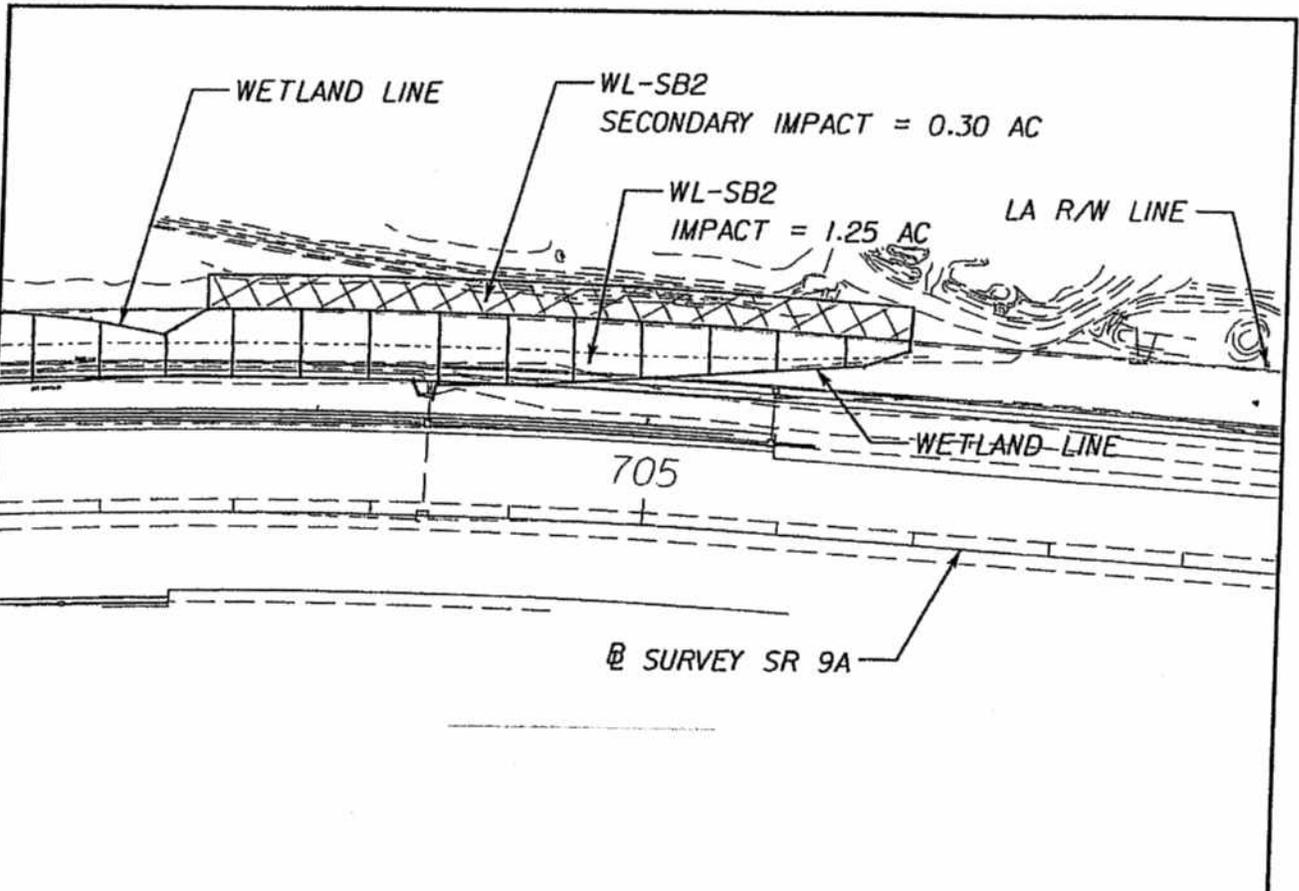


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 Application # SAT-2006-8043
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 904-256-2500

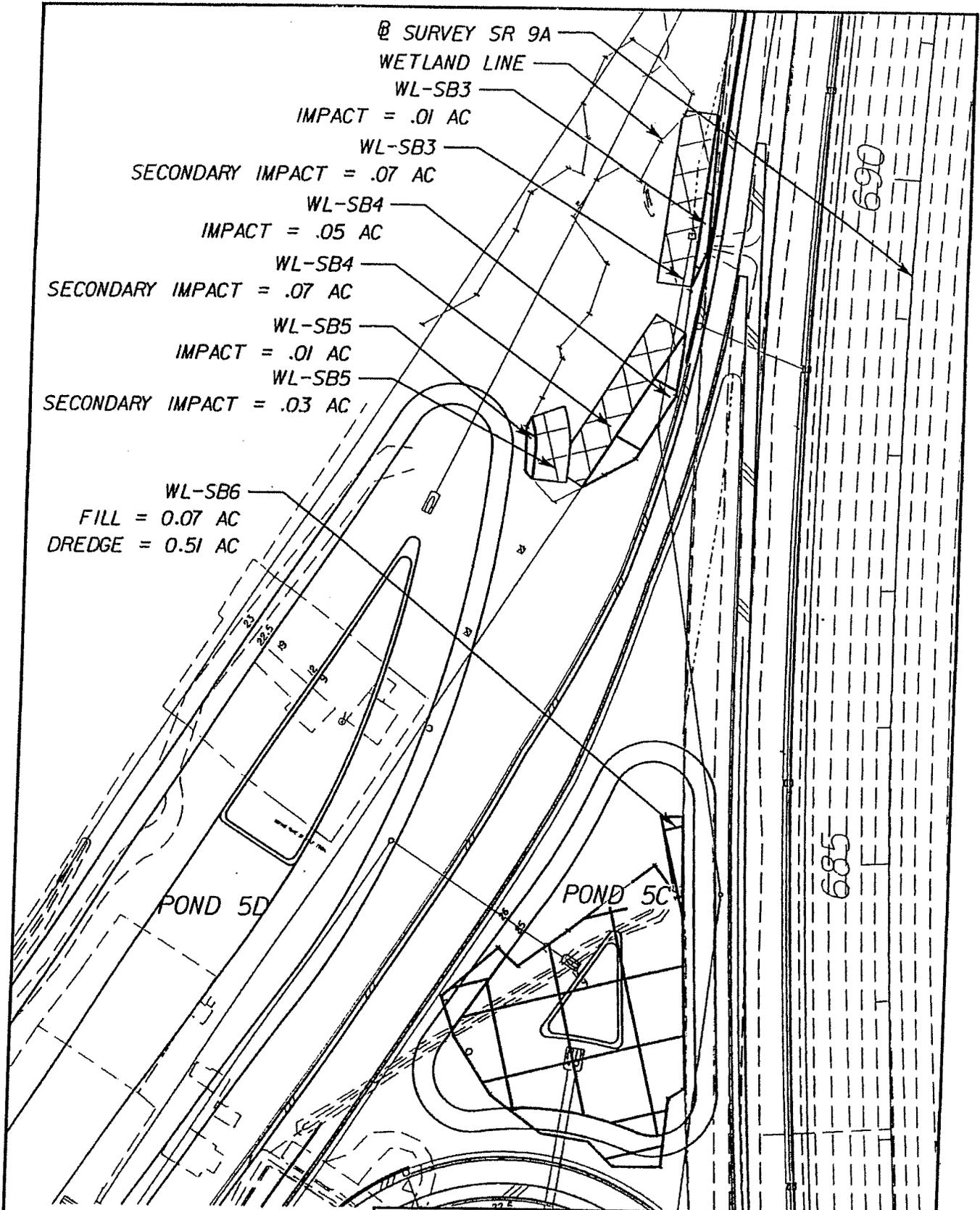
WETLAND IMPACTS

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| DUVAL COUNTY | FIGURE 4 |
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U.S. Army Corps of Engineers
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| RS&H <small>10748 Deerwood Park Boulevard Jacksonville, Florida 32256 904-258-2500</small> | WETLAND IMPACTS | |
| | DUVAL COUNTY | FIGURE 5 |



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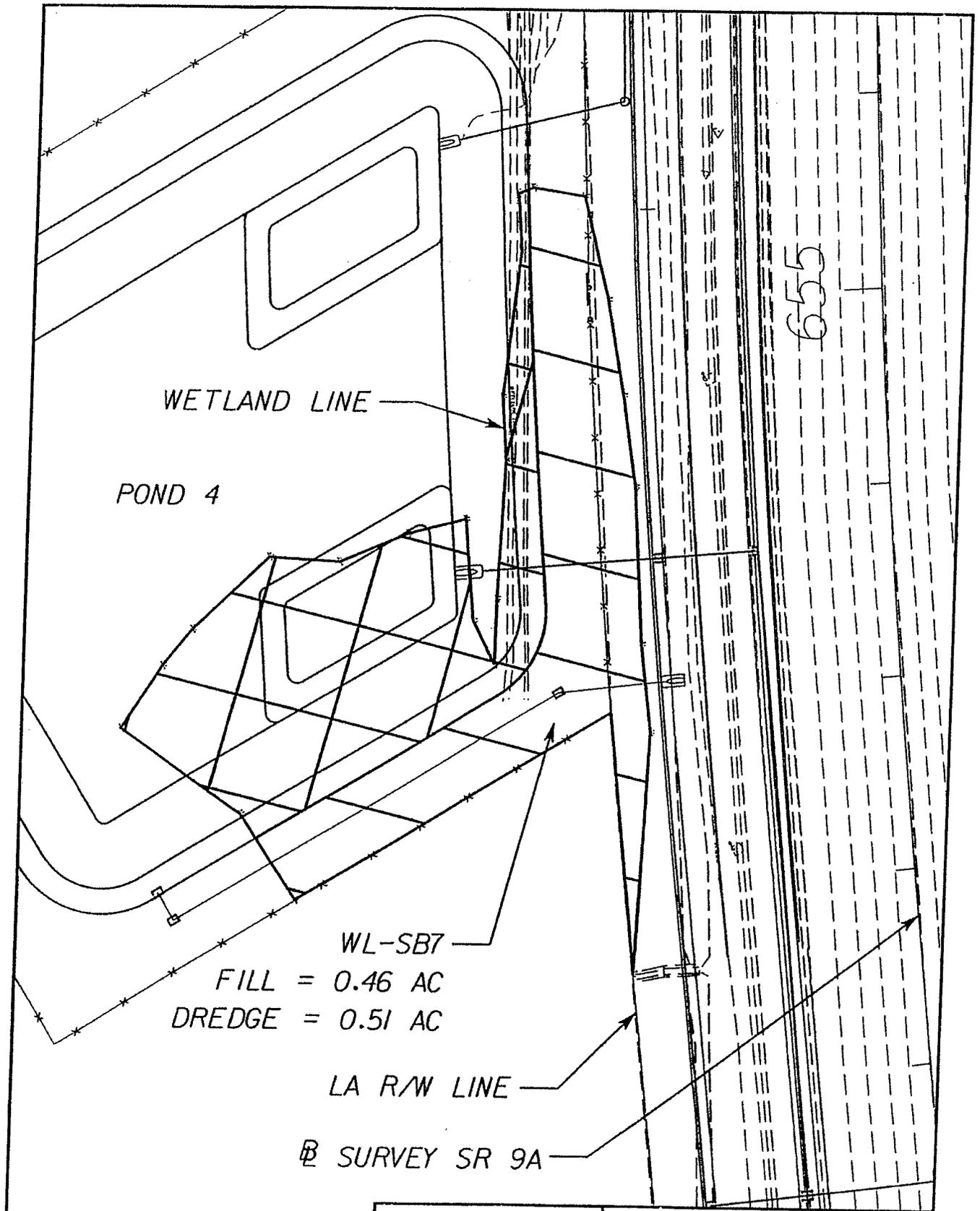
RS&H

10748 Deerwood Park Boulevard
 Jacksonville, Florida 32258
 904-350-2500

WETLAND IMPACTS

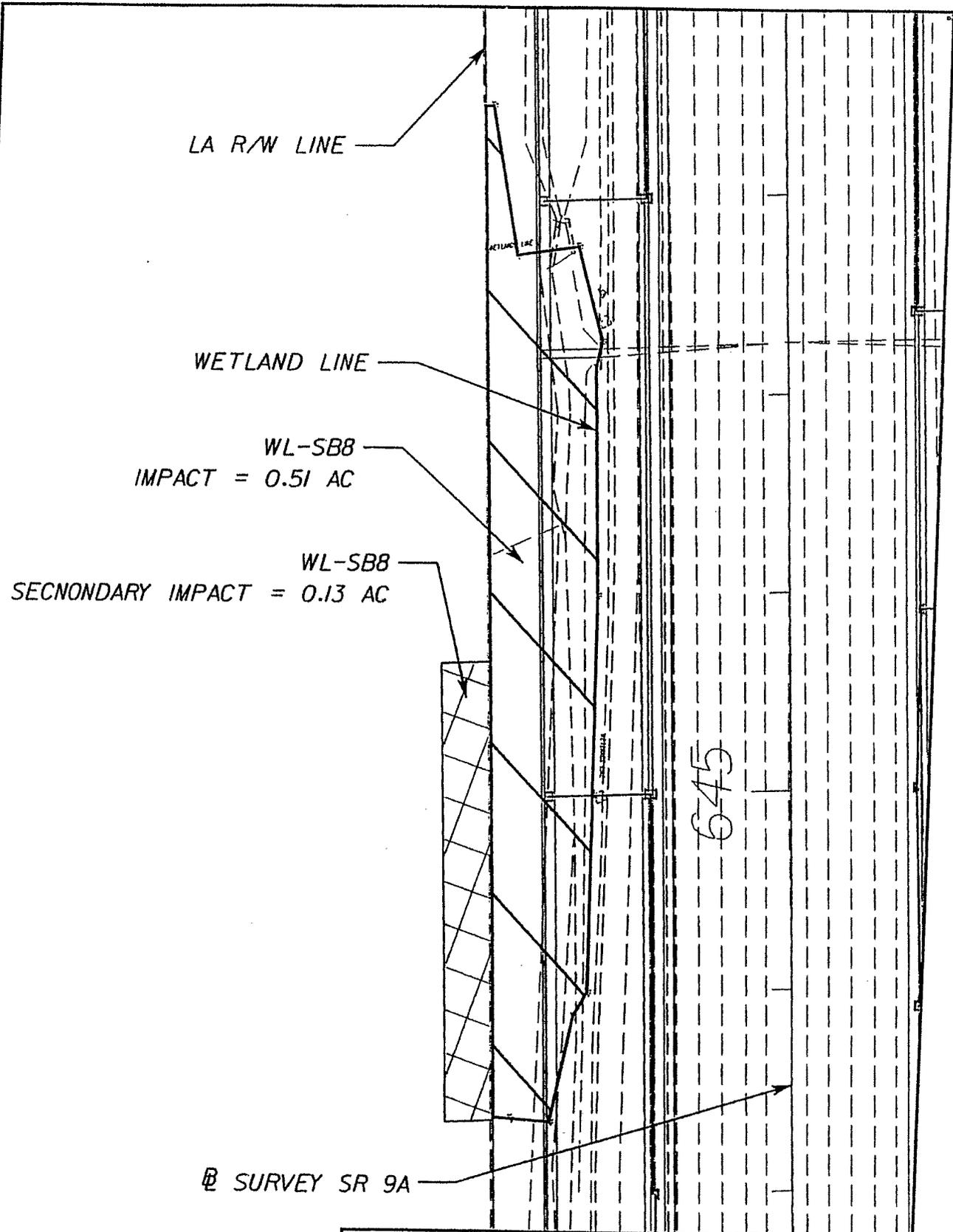
DUVAL COUNTY

FIGURE 6



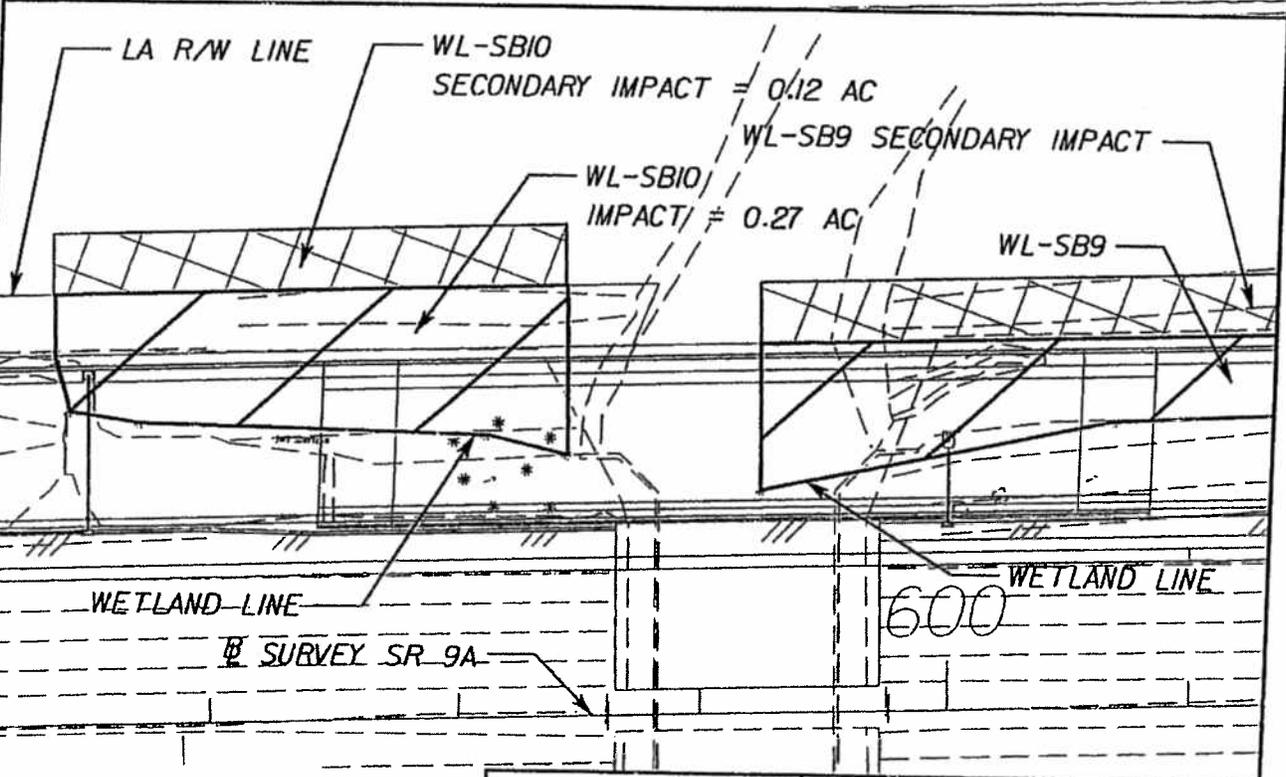
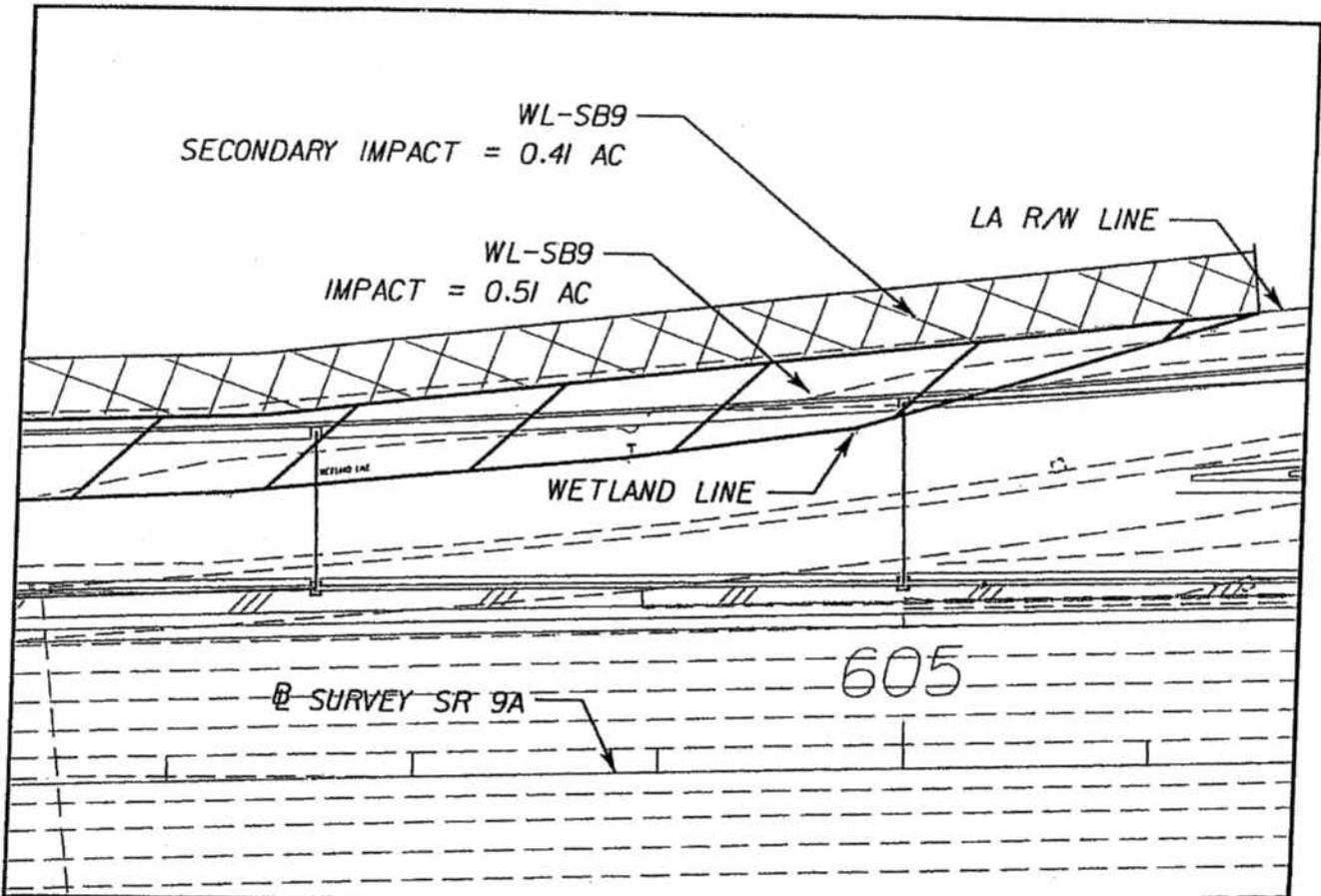
U.S. Army Corps of Engineers
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 Date: MAY 29 2007
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| | | |
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|  10748 Deerwood Park Boulevard Jacksonville, Florida 32256 904-255-2200 | WETLAND IMPACTS | |
| | DUVAL COUNTY | FIGURE 7 |



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 Date: MAY 29 2007
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| RS&H 10748 Deerwood Park Boulevard Jacksonville, Florida 32256 904-256-2500 | WETLAND IMPACTS | |
| | DUVAL COUNTY | FIGURE 8 |

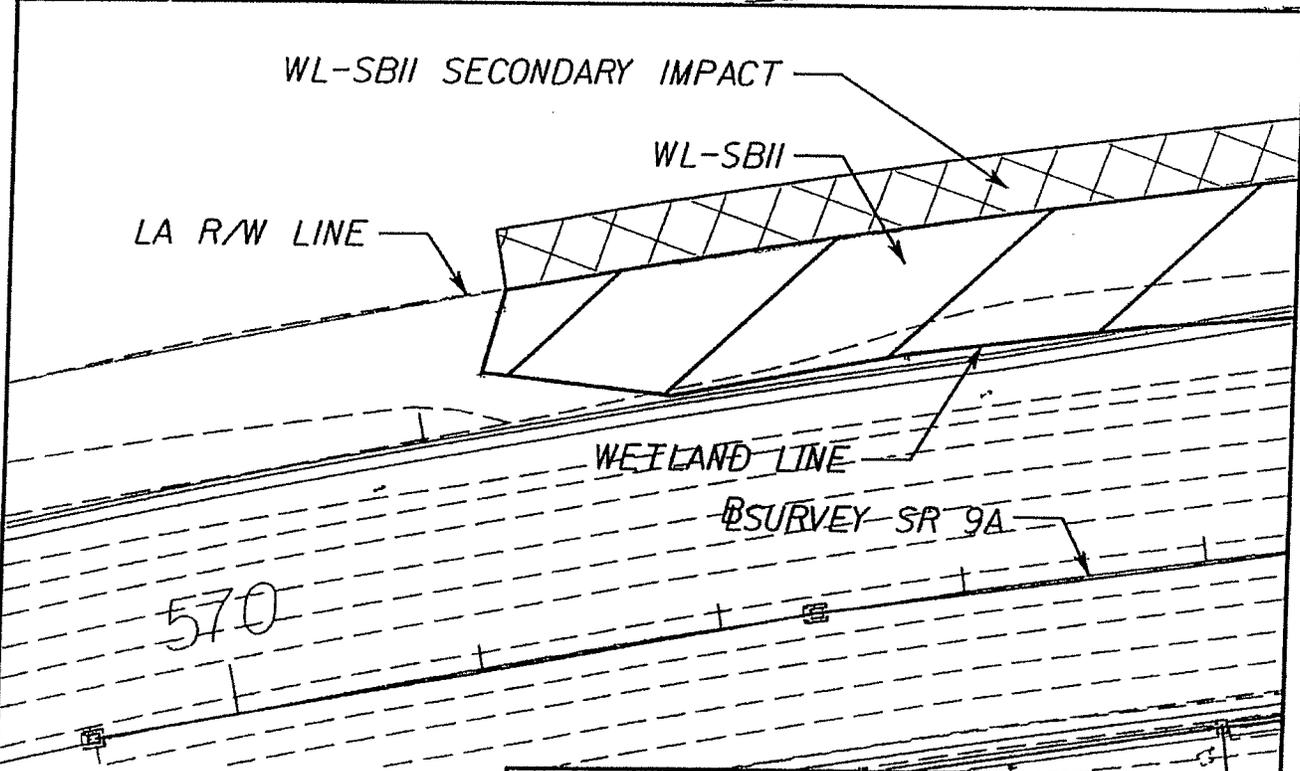
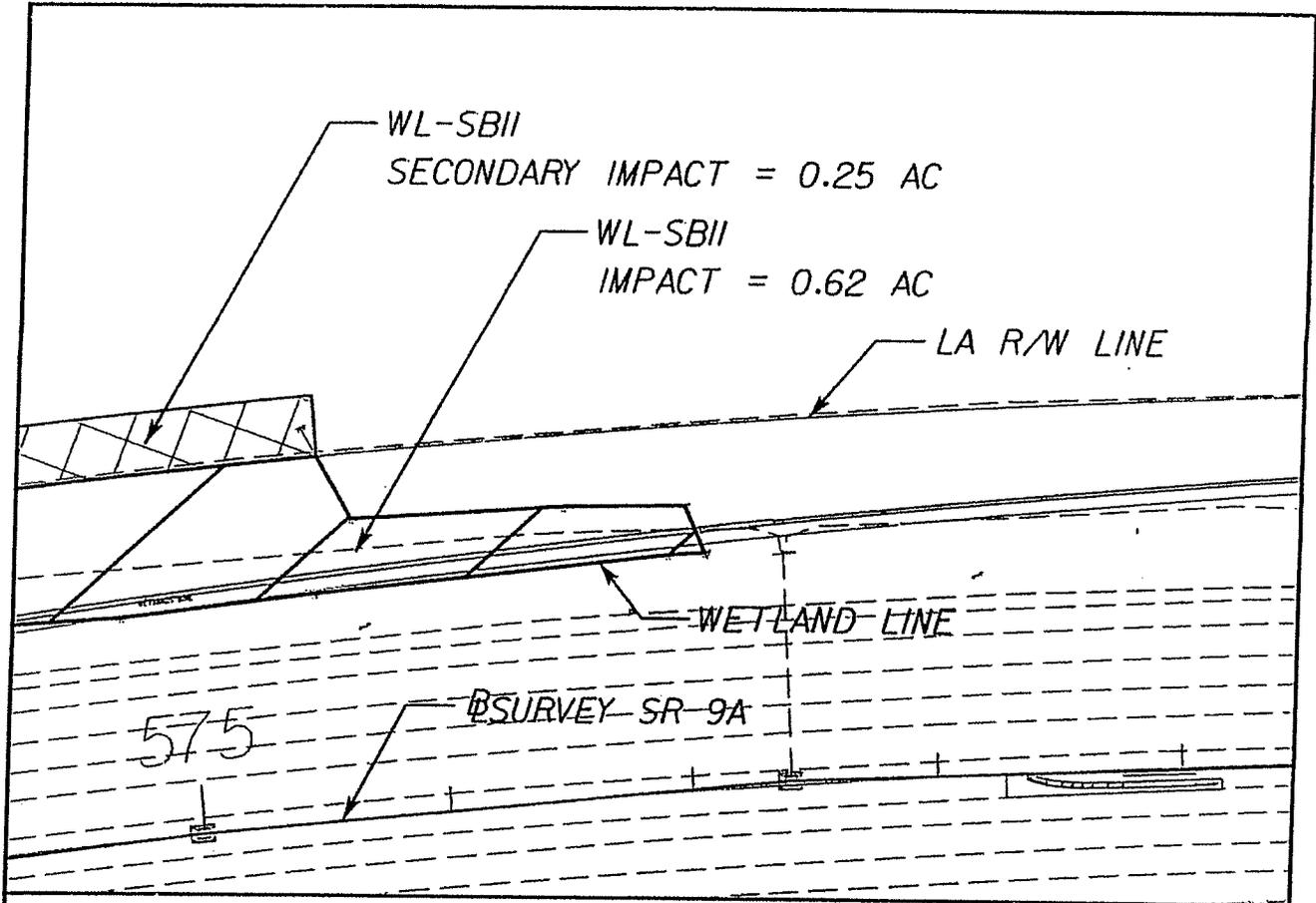


U.S. Army Corps of Engineers
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 904-258-2500

WETLAND IMPACTS

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| DUVAL COUNTY | FIGURE 9 |
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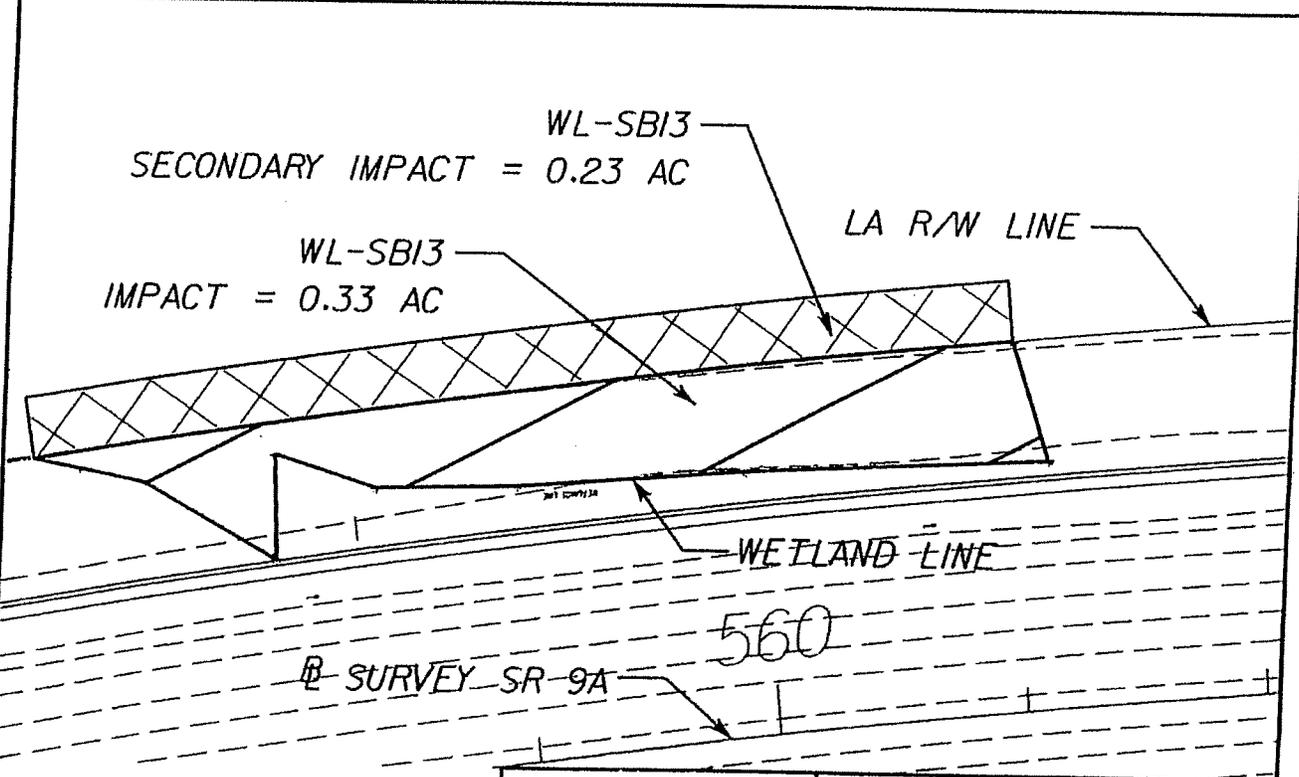
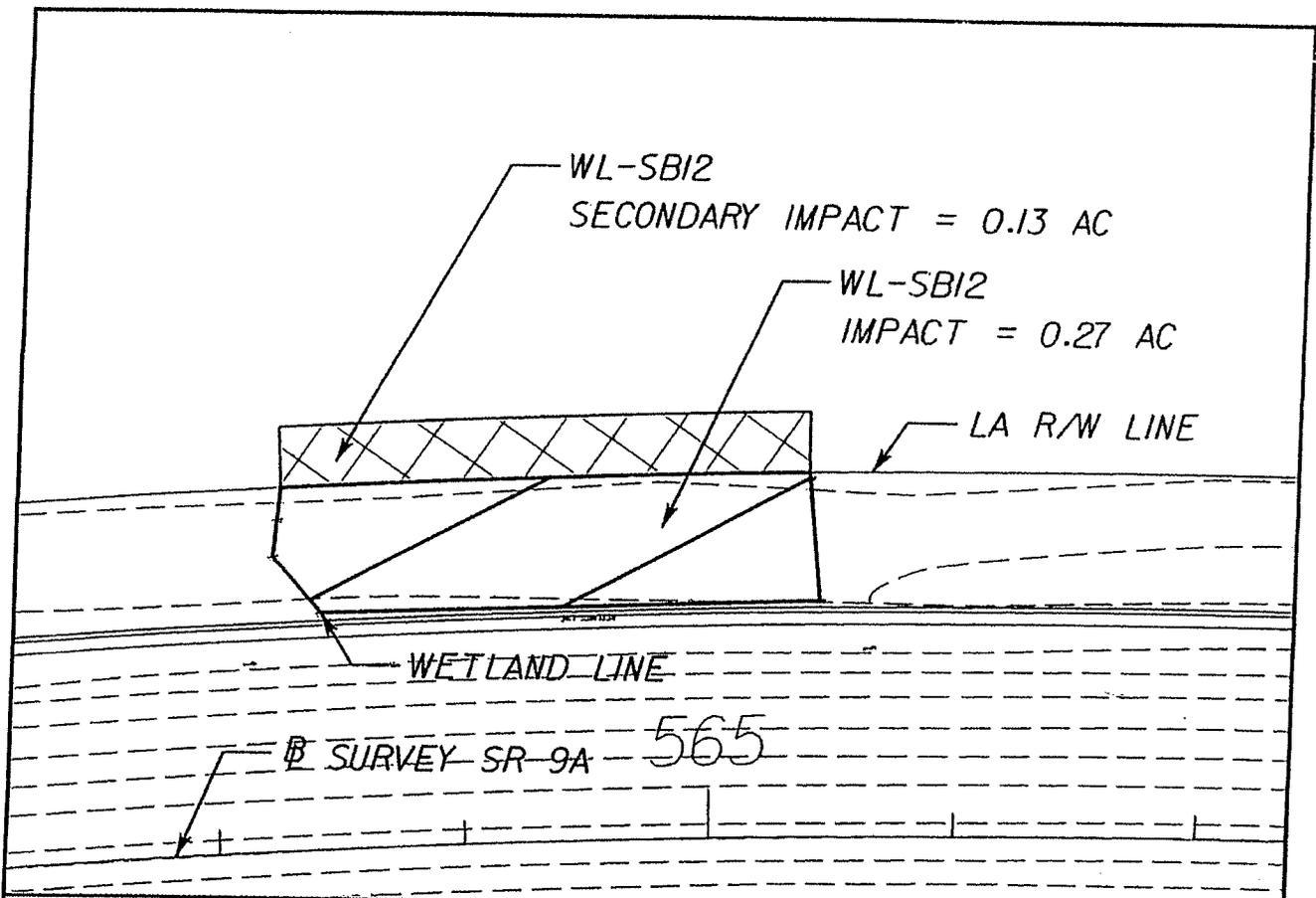


U.S. Army Corps of Engineers
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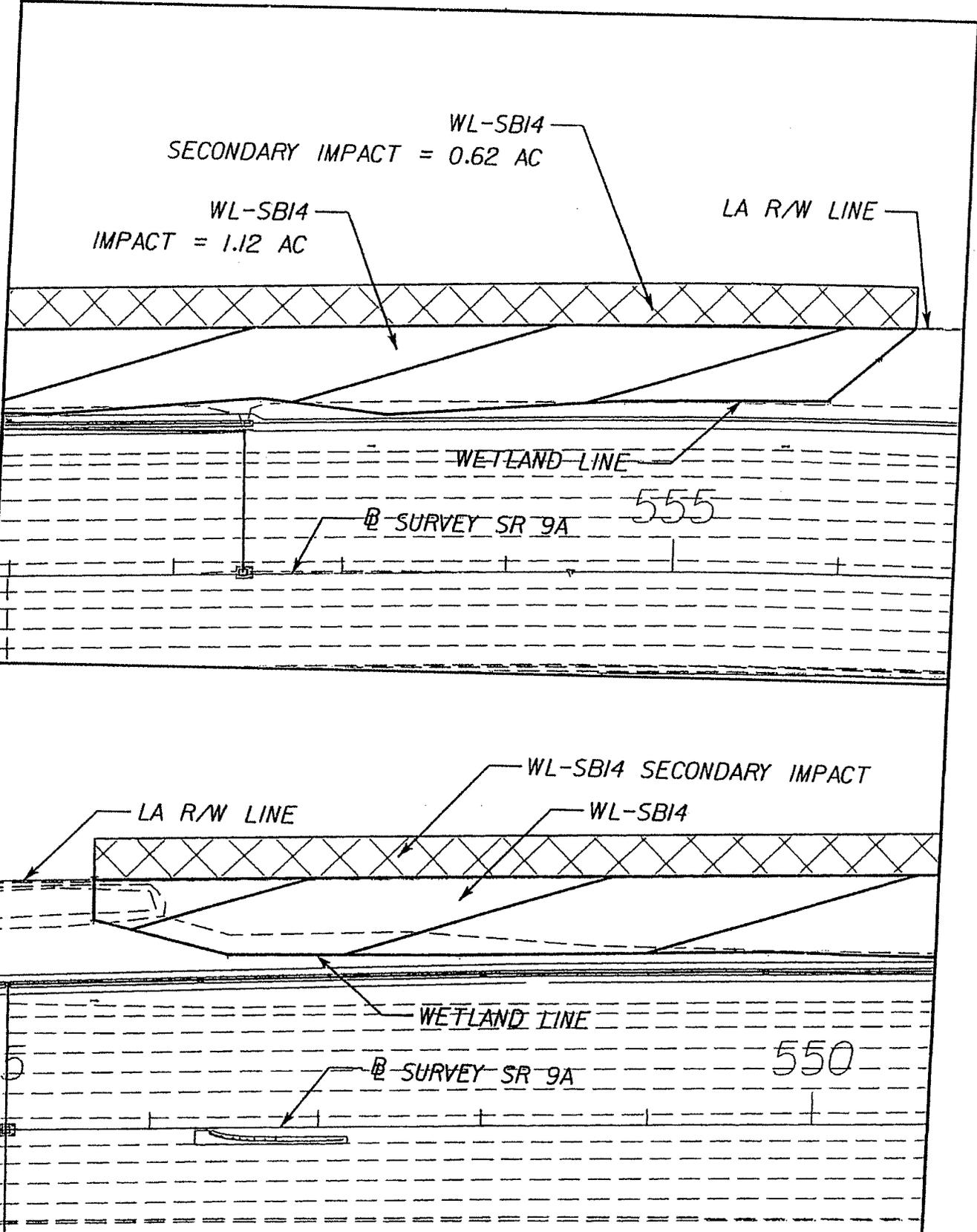
WETLAND IMPACTS

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| DUVAL COUNTY | FIGURE 10 |
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U.S. Army Corps of Engineers
 Application # 505-2006-8043
 Date: MAY 29 2007
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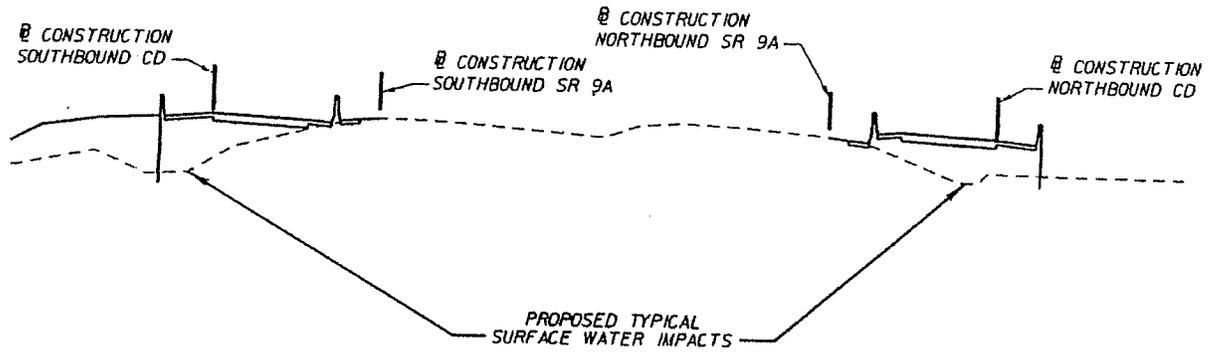
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| RS&H <small>10748 Deerwood Park Boulevard Jacksonville, Florida 32256 904-236-2600</small> | WETLAND IMPACTS | |
| | DUVAL COUNTY | FIGURE 11 |



U.S. Army Corps of Engineers
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 Jacksonville, Florida 32256
 904-256-2500

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|------------------------|-----------|
| WETLAND IMPACTS | |
| DUVAL COUNTY | FIGURE 12 |



| STATION FROM | STATION TO | OFFSET | SURFACE WATER IMPACT (AC) |
|--------------|------------|--------|---------------------------|
| 534+00 | 546+00 | LT | 0.41 |
| 550+00 | 574+00 | RT | 0.44 |
| 595+50 | 596+50 | LT | 0.04 |
| 604+50 | 615+00 | LT | 0.43 |
| 618+00 | 627+00 | LT | 0.23 |
| 627+50 | 643+50 | LT | 0.61 |
| 620+00 | 632+00 | RT | 0.35 |
| 632+50 | 633+50 | RT | 0.01 |
| 648+00 | 652+50 | LT | 0.17 |
| 649+50 | 674+00 | RT | 0.51 |
| 655+50 | 676+00 | LT | 0.49 |
| 682+00 | 694+50 | LT | 0.44 |
| 689+00 | 697+00 | RT | 0.13 |
| 708+00 | 710+50 | RT | 0.04 |
| 721+00 | 738+50 | LT | 0.31 |
| TOTAL | | | 4.61 |

U.S. Army Corps of Engineers
 Application # SAT-206-8143
 Date: MAY 29 2007
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| | | |
|--|------------------------------|-----------|
| RS&H <small>10746 Deerwood Park Boulevard Jacksonville, Florida 32256 904-255-2500</small> | SURFACE WATER IMPACTS | |
| | DUVAL COUNTY | FIGURE 13 |

ST. JOHNS RIVER WATER MANAGEMENT DISTRICT
Post Office Box 1429
Palatka, Florida 32178-1429

PERMIT NO. 4-031-17963-11

DATE ISSUED: February 12, 2008

PROJECT NAME: I-295 Collins Road Collector Distributor Roads (213345-1)

A PERMIT AUTHORIZING:

Modification of a surface water management system with stormwater treatment by wet detention for I-295 Collins Road Collector Distributor Roads (213345-1), a 160.00-acre project.

LOCATION:

Section(s): 24, 25, 31, 32, Township(s): 3S Range(s): 25E
36

Duval County

ISSUED TO:

Florida Department of Transportation
1109 S Marion Ave
Lake City, FL 32025

Permittee agrees to hold and save the St. Johns River Water Management District and its successors harmless from any and all damages, claims, or liabilities which may arise from permit issuance. Said application, including all plans and specifications attached thereto, is by reference made a part hereof.

This permit does not convey to permittee any property rights nor any rights of privileges other than those specified herein, nor relieve the permittee from complying with any law, regulation or requirement affecting the rights of other bodies or agencies. All structures and works installed by permittee hereunder shall remain the property of the permittee.

This permit may be revoked, modified or transferred at any time pursuant to the appropriate provisions of Chapter 373, Florida Statutes:

PERMIT IS CONDITIONED UPON:

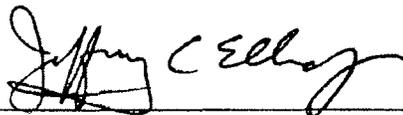
See conditions on attached "Exhibit A", dated February 12, 2008

AUTHORIZED BY: St. Johns River Water Management District

Department of Water Resources

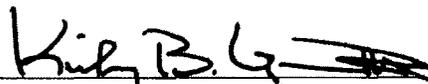
Governing Board

By: _____



Jeff Elledge
(Director)

By: _____



Kirby B. Green III
(Assistant Secretary)

U.S. Army Corps of Engineers
Permit # SAJ-2008-9043
Date: 5/5/08
Attachment: 2



"EXHIBIT A"
CONDITIONS FOR ISSUANCE OF PERMIT NUMBER 4-031-17963-11
FLORIDA DEPARTMENT OF TRANSPORTATION
DATED FEBRUARY 12, 2008

1. All activities shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit.
2. This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications, shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by District staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.
3. Activities approved by this permit shall be conducted in a manner which do not cause violations of state water quality standards.
4. Prior to and during construction, the permittee shall implement and maintain all erosion and sediment control measures (best management practices) required to retain sediment on-site and to prevent violations of state water quality standards. All practices must be in accordance with the guidelines and specifications in chapter 6 of the Florida Land Development Manual: A Guide to Sound Land and Water Management (Florida Department of Environmental Regulation 1988), which are incorporated by reference, unless a project specific erosion and sediment control plan is approved as part of the permit, in which case the practices must be in accordance with the plan. If site specific conditions require additional measures during any phase of construction or operation to prevent erosion or control sediment, beyond those specified in the erosion and sediment control plan, the permittee shall implement additional best management practices as necessary, in accordance with the specifications in chapter 6 of the Florida Land Development Manual: A Guide to Sound Land and Water Management (Florida Department of Environmental Regulation 1988). The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.
5. Stabilization measures shall be initiated for erosion and sediment control on disturbed areas as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 7 days after the construction activity in that portion of the site has temporarily or permanently ceased.
6. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the District a Construction Commencement Notice Form No. 40C-4.900(3) indicating the actual start date and the expected completion date.
7. When the duration of construction will exceed one year, the permittee shall submit construction status reports to the District on an annual basis utilizing an Annual Status Report Form No. 40C-4.900(4). These forms shall be submitted during June of each year.
8. For those systems which will be operated or maintained by an entity which will require an easement or deed restriction in order to provide that entity with the authority necessary to operate or maintain the system, such easement or deed restriction, together with any other final operation or maintenance documents as are required by subsections 7.1.1 through 7.1.4 of the Applicant's Handbook: Management and Storage of Surface Waters, must be submitted to the District for approval. Documents meeting the requirements set forth in these subsections of the Applicant's Handbook will be approved. Deed restrictions, easements and other operation and maintenance documents which require recordation either with the Secretary of State or the Clerk of the Circuit Court must be so recorded prior

to lot or unit sales within the project served by the system, or upon completion of construction of the system, whichever occurs first. For those systems which are proposed to be maintained by county or municipal entities, final operation and maintenance documents must be received by the District when maintenance and operation of the system is accepted by the local governmental entity. Failure to submit the appropriate final documents referenced in this paragraph will result in the permittee remaining liable for carrying out maintenance and operation of the permitted system.

9. Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the initiation of the permitted use of site infrastructure located within the area served by the portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of that phase or portion of the system to local government or other responsible entity.

10. Within 30 days after completion of construction of the permitted system, or independent portion of the system, the permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, utilizing As Built Certification Form 40C-1.181(13) or 40C-1.181(14) supplied with this permit. When the completed system differs substantially from the permitted plans, any substantial deviations shall be noted and explained and two copies of as-built drawings submitted to the District. Submittal of the completed form shall serve to notify the District that the system is ready for inspection. The statement of completion and certification shall be based on on-site observation of construction (conducted by the registered professional engineer, or other appropriate individual as authorized by law, or under his or her direct supervision) or review of as-built drawings for the purpose of determining if the work was completed in compliance with approved plans and specifications. As-built drawings shall be the permitted drawings revised to reflect any changes made during construction. Both the original and any revised specifications must be clearly shown. The plans must be clearly labeled as "as-built" or "record" drawing. All surveyed dimensions and elevations shall be certified by a registered surveyor. The following information, at a minimum, shall be verified on the as-built drawings:

1. Dimensions and elevations of all discharge structures including all weirs, slots, gates, pumps, pipes, and oil and grease skimmers;
2. Locations, dimensions, and elevations of all filter, exfiltration, or underdrain systems including cleanouts, pipes, connections to control structures, and points of discharge to the receiving waters;
3. Dimensions, elevations, contours, or cross-sections of all treatment storage areas sufficient to determine state-storage relationships of the storage area and the permanent pool depth and volume below the control elevation for normally wet systems, when appropriate;
4. Dimensions, elevations, contours, final grades, or cross-sections of the system to determine flow directions and conveyance of runoff to the treatment system;
5. Dimensions, elevations, contours, final grades, or cross-sections of all conveyance systems utilized to convey off-site runoff around the system;
6. Existing water elevation(s) and the date determined; and Elevation and location of benchmark(s) for the survey.

11. The operation phase of this permit shall not become effective until the permittee has complied with the requirements of general condition 9 above, the District determines the system to be in compliance with the permitted plans, and the entity approved by the District in accordance with subsections 7.1.1 through 7.1.4 of the Applicant's Handbook: Management and Storage of Surface Waters, accepts responsibility for operation and maintenance of the system. The permit may not be transferred to such an approved operation and maintenance entity until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the District, the permittee shall request transfer of the permit to the responsible approved operation and maintenance entity, if different from the permittee. Until the permit is transferred pursuant to section 7.1 of the Applicant's Handbook: Management and Storage of Surface Waters, the permittee shall be liable for compliance with the terms of the permit.
12. Should any other regulatory agency require changes to the permitted system, the permittee shall provide written notification to the District of the changes prior implementation so that a determination can be made whether a permit modification is required.
13. This permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and chapter 40C-4 or chapter 40C-40, F.A.C.
14. The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities which may arise by reason of the activities authorized by the permit or any use of the permitted system.
15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered specifically approved unless a specific condition of this permit or a formal determination under rule 40C-1.1006, F.A.C., provides otherwise.
16. The permittee shall notify the District in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of the permitted system or the real property at which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of rule 40C-1.612, F.A.C. The permittee transferring the permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to such sale, conveyance or other transfer.
17. Upon reasonable notice to the permittee, District authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with the plans and specifications approved by the permit.
18. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the District.
19. The permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.
20. This permit for construction will expire five years from the date of issuance.
21. At a minimum, all retention and detention storage areas must be excavated to rough grade prior to building construction or placement of impervious surface within the area to be served by those facilities. To prevent reduction in storage volume and percolation rates, all accumulated sediment must be removed from the storage area prior to final grading and stabilization.

22. All wetland areas or water bodies that are outside the specific limits of construction authorized by this permit must be protected from erosion, siltation, scouring or excess turbidity, and dewatering.
23. Prior to construction, the permittee must clearly designate the limits of construction on-site. The permittee must advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
24. The operation and Maintenance entity shall submit inspection reports to the District two years after the operation phase permit becomes effective and every two years thereafter on District Form EN-46. The inspection form must be signed and sealed by an appropriate registered professional.
25. This permit requires the recording of a conservation easement.

Description of Conservation Easement Area

The permittee shall provide to the District for review and written approval a copy of: (a) the preliminary plat showing the area to be encumbered by the conservation easement, or (b) a surveyor's sketch and legal description of the area to be placed under the conservation easement, per the approved mitigation plan, at least 45 days prior to (1) dredging, filling, or clearing any wetland or surface water for which mitigation is required, (2) clearing any upland within a Riparian Habitat Protection Zone for which mitigation is required, (3) the sale of any lot or parcel, (4) the recording of the subdivision plat, or (5) use of the infrastructure for its intended use, whichever occurs first.

If the impacts to an upland within a Riparian Habitat Protection Zone or to a wetland or surface water for which mitigation is required will occur in discrete phases, the areas to be preserved to offset such impacts may be placed under conservation easement in phases such that impacts are offset during each phase. Such phasing of preservation shall only occur if it has been proposed in the mitigation plan and approved by the permit, or if it is approved in writing by the District. A surveyor's sketch and legal description of the area to be placed under conservation easement during each phase must be submitted in accordance with the previous paragraph.

Recording of Conservation Easement

Prior to (1) dredging, filling, or clearing any wetland or surface water for which mitigation is required, (2) clearing any upland within a Riparian Habitat Protection Zone for which mitigation is required, (3) the sale of any lot or parcel, (4) the recording of the subdivision plat, or (5) use of the infrastructure for its intended use, whichever occurs first, the permittee shall record a conservation easement which shall include restrictions on the real property pursuant to section 704.06, Florida Statutes, and be consistent with section 12.3.8, Applicant's Handbook, Management and Storage of Surface Waters (February 1, 2005). The conservation easement shall be in the form approved in writing by the District and, if no plat has been submitted, the easement shall include the approved legal description and surveyor's sketch. If the District does not provide written comments on the preliminary plat or surveyor's sketch and legal description within 45 days of receipt, then the permittee may record the conservation easement with the legal description and surveyor's sketch or plat reference previously submitted. If the District provides written disapproval of the preliminary plat or surveyor's sketch and legal description, the permittee shall, within ten (10) days of receipt of the disapproval, correct all errors with the conservation easement, including the preliminary plat or legal description and surveyor's sketch, and record the conservation easement.

Pursuant to section 704.06, Florida Statutes, the conservation easement shall prohibit all construction, including clearing, dredging, or filling, except that which is specifically authorized by this permit, within the mitigation areas delineated on the final plans and/or mitigation proposal approved by the District. The easement must contain the provisions set forth in paragraphs 1(a)-(h) of section 704.06, Florida Statutes, as well as provisions indicating that the easement may be enforced by the District, and may not be amended without written District approval.

Additional Documents Required

The permittee shall ensure that the conservation easement identifies, and is executed by, the correct grantor, who must hold sufficient record title to the land encumbered by the easement. If the easement's grantor is a partnership, the partnership shall provide to the District a partnership affidavit stating that the person executing the conservation easement has the legal authority to convey an interest in the partnership land. If there exist any mortgages on the land, the permittee shall also have each mortgagee execute a consent and joinder of mortgagee subordinating the mortgage to the conservation easement. The consent and joinder of the mortgagee shall be recorded simultaneously with the conservation easement in the public records of the county where the land is located. Within 30 days of recording, the permittee shall provide the District with: (a) the original recorded easement (including exhibits) showing the date it was recorded and the official records book and page number, (b) a copy of the recorded plat (if applicable), (c) a surveyor's sketch of the easement area plotted on the appropriate USGS topographic map, and (d) the original recorded consent and joinder(s) of mortgagee (if applicable).

Demarcation of Conservation Easement Area

Prior to lot or parcel sales, all changes in direction of the easement area boundaries must be permanently monumented above ground on the project site.

26. The proposed surface water management system must be constructed as per Plans received by the District on May 29, 2007.
27. The stormwater management system shall be inspected by the operation and maintenance entity once within two years after completion of construction and every two years thereafter to insure that the system is functioning as designed and permitted. If a required inspection reveals that the system is not functioning as designed and permitted, then within 14 days of the inspection the entity shall submit an Exceptions Report on form number 40C-42.900(6), Exceptions Report for Stormwater Systems Out of Compliance. The operation and maintenance entity must maintain a record of the required inspection, including the date of the inspection, the name, address and telephone number of the inspector, and whether the system was functioning as designed and permitted, and make such record available for inspection upon request by the District during normal business hours.
28. Mitigation to offset the impacts to wetlands and other surface waters authorized by this permit will be provided through Section 373.4137 F.S. Any construction in wetlands shall not occur prior to approval by the Governing Board or its designee.
29. All adverse wetland and other surface waters impacts that occur within the scope of this project must be in accordance with the impact plan submitted to the District on May 29, 2007.

30. The permittee shall instruct all personnel associated with the project of the potential presence of manatees and the need to avoid collisions with manatees. All construction personnel are responsible for observing water-related activities for the presence of manatee(s).
31. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees protected under the Marine Mammal Protection Act of 1972, the Endangered Species Act of 1973, and the Florida Manatee Sanctuary Act.
32. Siltation barriers shall be made of material in which manatees cannot become entangled, and shall be properly secured and regularly monitored to avoid manatee entrapment. Barriers must not block manatee entry to, or exit from, essential habitat.
33. All vessels associated with construction/dredging activities shall operate at "no wake/idle" speeds at all times while in the construction area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels shall follow routes of deep water whenever possible.
34. If manatee(s) are seen within 100 yards of the active daily construction/dredging operation or vessel movement, all appropriate precautions shall be implemented to ensure protection of the manatee(s). These precautions shall include the operation of all moving equipment no closer than within 50 feet of a manatee. Operation of any equipment within 50 feet or less of a manatee is prohibited. Upon discovery of a manatee within 50 feet or less from construction equipment, such equipment shall be shut down immediately. Activities associated with construction or dredging shall not resume until the manatee(s) has departed the project area of its own volition.
35. Any collision with and/or injury to a manatee shall be reported immediately to the Fish and Wildlife Conservation Commission at (1-888-404-FWCC). Collision and injury should also be reported to the U. S. Fish and Wildlife Service in Jacksonville (1-904-232-2580) for north Florida or in Vero Beach (1-561-562-3909) in south Florida.
36. Temporary signs concerning manatees shall be posted prior to and during all construction/dredging activities. All signs are to be removed by the permittee upon completion of the project. A sign measuring at least 3 feet by 4 feet that reads **Caution: Manatee Area** shall be posted in a location prominently visible to water-related construction crews. A second sign shall be posted if vessels are associated with the construction or dredging activities authorized by a permit consolidated with this sovereign submerged lands authorization, and shall be placed in a location visible to the vessel operator. It shall measure at least 8 ½" by 11" and read:

Caution: Manatee Habitat. Idle speed is required if operating a vessel in the construction area. All equipment must be shut down if a manatee comes within 50 feet of any operating construction equipment. Any collision with and/or injury to a manatee shall be reported immediately to the Fish and Wildlife Conservation Commission at (1-888-404-FWCC). The U.S. Fish and Wildlife Service should also be contacted in Jacksonville at (1-904-232-2580) for north Florida or in Vero Beach (1-561-562-3909) for south Florida.

Marinas, Docking/Launching Facilities, Permanent Caution and Information
Display Signs

AS-BUILT CERTIFICATION BY PROFESSIONAL ENGINEER

Submit this form and one set of as-built engineered drawings to the U.S. Army Corps of Engineers, Enforcement Branch, Post Office Box 4970, Jacksonville, Florida 32232-0019. If you have questions regarding this requirement, please contact the Enforcement Branch at 904-232-2907.

1. Department of the Army Permit Number: _____

2. Permittee Information:

Name _____

Address _____

3. Project Site Identification:

Physical location/address _____

4. As-Built Certification:

I hereby certify that the authorized work has been accomplished in accordance with the Department of the Army permit with any deviations noted below. This determination is based upon on-site observation, scheduled and conducted by me or by a project representative under my direct supervision. I have enclosed one set of as-built engineering drawings.

Signature of Engineer

Name (Please type)

Florida Reg. Number

Company Name

Address

(Affix Seal)

City State ZIP

Date

Telephone Number

Deviations from the approved plans and specifications: (attach additional pages if necessary)

_____ U.S. Army Corps of Engineers
Permit # SAT-2008-8043
Date: 5/5/08
Attachment: 3



STANDARD PROTECTION MEASURES FOR THE EASTERN INDIGO SNAKE

1. An eastern indigo snake protection/education plan shall be developed by the applicant or requestor for all construction personnel to follow. The plan shall be provided to the Service for review and approval at least 30 days prior to any clearing activities. The educational materials for the plan may consist of a combination of posters, videos, pamphlets, and lectures (*e.g.*, an observer trained to identify eastern indigo snakes could use the protection/education plan to instruct construction personnel before any clearing activities occur). Informational signs should be posted throughout the construction site and along any proposed access road to contain the following information:
 - a. a description of the eastern indigo snake, its habits, and protection under Federal Law;
 - b. instructions not to injure, harm, harass or kill this species;
 - c. directions to cease clearing activities and allow the eastern indigo snake sufficient time to move away from the site on its own before resuming clearing; and,
 - d. telephone numbers of pertinent agencies to be contacted if a dead eastern indigo snake is encountered. The dead specimen should be thoroughly soaked in water and then frozen.
2. If not currently authorized through an Incidental Take Statement in association with a Biological Opinion, only individuals who have been either authorized by a section 10(a)(1)(A) permit issued by the Service, or by the State of Florida through the Florida Fish Wildlife Conservation Commission (FWC) for such activities, are permitted to come in contact with an eastern indigo snake.
3. An eastern indigo snake monitoring report must be submitted to the appropriate Florida Field Office within 60 days of the conclusion of clearing phases. The report should be submitted whether or not eastern indigo snakes are observed. The report should contain the following information:
 - a. any sightings of eastern indigo snakes and
 - b. other obligations required by the Florida Fish and Wildlife Conservation Commission, as stipulated in the permit.

Revised February 12, 2004

U.S. Army Corps of Engineers
Permit # SAT-007-8043
Date: 5/5/08
Attachment: 4



STANDARD MANATEE CONDITIONS FOR IN-WATER WORK

July 2005

The permittee shall comply with the following conditions intended to protect manatees from direct project effects:

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-FWCC. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-232-2580) for north Florida or Vero Beach (1-561-562-3909) for south Florida.
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Awareness signs that have already been approved for this use by the Florida Fish and Wildlife Conservation Commission (FWC) must be used. One sign measuring at least 3 ft. by 4 ft. which reads *Caution: Manatee Area* must be posted. A second sign measuring at least 8 1/2" by 11" explaining the requirements for "Idle Speed/No Wake" and the shutdown of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities.

U.S. Army Corps of Engineers
Permit # SAT 2008-8043
Date: 5/5/08
Attachment: 5



FWC Approved Manatee Educational Sign Suppliers

ASAP Signs & Designs

624-B Pinellas Street
Clearwater, FL 33756
Phone: (727) 443-4878
Fax: (727) 442-7573

Wilderness Graphics, Inc.

P. O. Box 1635
Tallahassee, FL 32302
Phone: (850) 224-6414
Fax: (850) 561-3943
www.wildernessgraphics.com

Cape Coral Signs & Designs

1311 Del Prado Boulevard
Cape Coral, FL 33990
Phone: (239) 772-9992
Fax: (239) 772-3848

Municipal Supply & Sign Co.

1095 Fifth Avenue, North
P. O. Box 1765
Naples, FL 33939-1765
Phone: (800) 329-5366 or
(239) 262-4639
Fax: (239) 262-4645
www.municipalsigns.com

Vital Signs

104615 Overseas Highway
Key Largo, FL 33037
Phone: (305) 451-5133
Fax: (305) 451-5163

Universal Signs & Accessories

2912 Orange Avenue
Ft. Pierce, FL 34947
Phone: (800) 432-0331 or
(772) 461-0665
Fax: (772) 461-0669

New City Signs

1829 28th Street North
St. Petersburg, FL 33713
Phone: (727) 323-7897
Fax: (727) 323-1897

**United Rentals Highway
Technologies**

309 Angle Road
Ft. Pierce, FL 34947
Phone: (772) 489-8772
or (800) 489-8758 (FL only)
Fax: (772) 489-8757

CAUTION: MANATEE HABITAT

All project vessels

IDLE SPEED / NO WAKE

When a manatee is within 50 feet of work
all in-water activities must

SHUT DOWN

Report any collision or injury to:

1-888-404-FWCC (1-888-404-3922)

Florida Fish and Wildlife Conservation Commission

Statement of Findings

Number: _____



Conversion services provided by:

MICROGRAPHICS

The Information and Image Managers
1925-A NW Second Street
Gainesville, FL 32609
Phone: (352) 372-6039 - Fax: (352) 378-6039
On-line: www.micrographicsinc.com

CESAJ-RD-NC (1145b)
SAJ-2006-8043(IP-AWP)

MEMORANDUM FOR RECORD

SUBJECT: Department of the Army Environmental Assessment and Statement of Findings for the Above-numbered Permit Application

1. Applicant: Florida Department of Transportation, District 2
Attn: Van Humphreys
1109 S. Marion Ave.
Lake City, Florida 32025

2. Location, Project Description, Existing Conditions: The project is located along Interstate 295 (I-295) at the Collins Road Collector Distributors Roads. Generally located between US-17 to south of Morse Avenue, the project as proposed will traverse the Ortega River (McGirts Creek). The project is located in Sections 24, 25, 31, 32, & 36, Township 03 South, Range 25 East, Jacksonville, Duval County, Florida.

The application proposes the impact of approximately 24.43 acres of wetlands and 4.61 acres of surface waters of the United States for the addition of four collector distributor lanes along Interstate 295 from United States Highway 17 to Morse Avenue. The project would be constructed outside the current edge of pavement but within existing right-of-way and include the construction of a new interchange at the current Collins Road overpass. The project would also include slight modifications to the southbound and northbound ramps at the Blanding Boulevard interchange with Interstate 295. The project also involves a stormwater management system which includes six new management facilities and the modification of the existing stormwater facility recently constructed just east of the Ortega River for ramp improvements at Blanding Boulevard. The drainage design also includes four new linear dry detention systems located just south of Morse Avenue. The applicant has indicated potential secondary impacts will occur to 2.93 acres of wetlands.

The applicant has identified seventeen (17) separate wetland systems within the project limits. The systems range from low quality disturbed systems to medium-high quality systems associated with the Ortega River. The following wetlands will be impacted by the proposed project.

WL-NB1

This wetland is an isolated, highly disturbed, mesic oak/sweetgum-dominated remnant of a larger forested system that

CESAJ-RD-P (SAJ-2006-8043(IP-AWP))

SUBJECT: Department of the Army Environmental Assessment and Statement of Findings on the Above-Numbered Permit Application.

was filled for development. The original wetland system was more than likely dominated by cypress and blackgum. Past silvicultural practices as well as road and drainage improvements have impacted the historic wetland hydrology. Chinese tallow has begun to invade the wetland along with cogon grass. Drainage to the Ortega River system is via ditches with culverts.

WL-NB2

This wetland is a large, isolated, seasonally inundated, forested system bordered by I-295 and residential/commercial development. Slash pine, cypress, blackgum and red maple are common canopy species with chain fern, poison ivy and wax myrtle as ground cover associates. At the wetland edge sweetgum and mesic oaks are common. Chinese tallow has begun to invade the wetland. Currently a ditch is located along the outside of the existing right-of-way fence as well as an associated spoil berm. Past silvicultural practices as well as road and drainage improvements have impacted the historic wetland hydrology. The proposed construction will impact the highly disturbed edge of the system adjacent to the existing roadway. Drainage to the Ortega River system is via ditches with culverts.

WL-NB3

This wetland is a large, isolated, seasonally inundated, forested system bordered by I-295 and residential development under construction. Slash pine, cypress, blackgum, laurel oak, swamp bay, dahoon holly and red maple are common canopy and subcanopy species with chain fern, cinnamon fern, poison ivy, yellow Jessamine, highbush blackberry and wax myrtle as ground cover associates. Chinese tallow has begun to invade the wetland. Past silvicultural practices as well as road and drainage improvements have impacted the historic wetland hydrology. Drainage to the Ortega River system is via ditches with culverts. The proposed construction will impact the highly disturbed edge of the system adjacent to the existing roadway.

WL-SB1

Historically this wetland was characterized by seasonally inundated/saturated pine flatwoods. Presently it consists of a canopy of predominantly laurel oak and water oak with a groundcover of chain fern. The current owner periodically mows the site during dry periods. Past silvicultural practices as well as road and drainage improvements have impacted the historic wetland hydrology. Drainage to the Ortega River system is via ditches with culverts.

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SUBJECT: Department of the Army Environmental Assessment and Statement of Findings on the Above-Numbered Permit Application.

WL-SB2

This wetland is a remnant of the isolated, forested system that was bisected by the construction of I-295 circa 1965 (i.e., WL-NB 3). This wetland is a thin sliver dominated by slash pine, mesic oaks, red maple and sweetgum. Groundcover is provided by chain fern, yellow jessamine, highbush blackberry and poison ivy. It is bordered by the existing roadway or by cleared uplands that appear to be on the verge of being developed commercially. The hydrology has been impacted by past land use practices as well as development in the general vicinity. Drainage to the Ortega River system is via ditches with culverts.

WL-SB3, WL-SB4, WL-SB5, WL-SB6

Historically these wetlands were part of a larger system more than likely dominated by seasonally inundated slash pine, cypress and blackgum. Currently they are characterized by slash pine and mesic oaks with chain fern, highbush blackberry and greenbrier. Chinese tallow has begun to invade WL-SB5. Past silvicultural practices as well as road and drainage improvements and a small scale landfill operation have impacted the historic hydrology of these wetlands. Drainage to the Ortega River system is via ditches with culverts.

WL-SB7

This wetland was historically seasonally inundated/saturated pine flatwoods. It currently is characterized as a highly disturbed red maple/wax myrtle shrub swamp. Chinese tallow has begun to invade the wetland. Past silvicultural practices as well as road and drainage improvements have impacted the historic wetland hydrology. Drainage to the Ortega River system is via ditches with culverts.

WL-SB8

This wetland is an isolated, highly disturbed, seasonally inundated swamp remnant dominated by slash pine, cypress, red maple and blackgum. Groundcover is provided by chain fern, poison ivy, highbush blackberry and sapling canopy species. It is bordered by I-295 and commercial development. Past silvicultural practices as well as road and drainage improvements have impacted the historic wetland hydrology. The proposed construction will impact the highly disturbed edge of the system adjacent to the

CESAJ-RD-P (SAJ-2006-8043(IP-AWP))

SUBJECT: Department of the Army Environmental Assessment and Statement of Findings on the Above-Numbered Permit Application.

existing roadway. Drainage to the Ortega River system is via ditches with culverts.

WL-SB9, WL-SB10

These wetlands are the bottomland hardwood swamp associated with McGirts Creek. Common canopy species include cypress, blackgum, ash, elm, red maple and sweetgum. Subcanopy species include swamp bay, sweet bay and loblolly bay. The proposed construction will impact the highly disturbed edge of the system adjacent to the existing roadway.

WL-SB11

This wetland is a large, isolated, seasonally inundated, forested system bordered by I-295, residential/commercial development and vacant land. Slash pine, cypress, blackgum and red maple are common canopy species with chain fern, poison ivy, fetterbush and wax myrtle as ground cover associates. At the wetland edge sweetgum and mesic oaks are common. Past silvicultural practices as well as road and drainage improvements have impacted the historic wetland hydrology. Drainage to the Ortega River system is via ditches with culverts. The proposed construction will impact the highly disturbed edge of the system adjacent to the existing roadway.

WL-SB12

This wetland is an isolated, highly disturbed, seasonally inundated/ saturated portion of wet pine flatwoods. Currently approximately one half of the wetland has been cleared and is currently an herbaceous system with the remainder characterized by sweetgum, laurel oak and live oak. Past silvicultural practices as well as road and drainage improvements have impacted the historic wetland hydrology. The proposed construction will impact the highly disturbed edge of the system adjacent to the existing roadway. Drainage to the Ortega River system is via ditches with culverts.

WL-SB13, WL-SB14

These wetlands are part of a large, isolated, seasonally inundated, forested system bordered by I-295, residential development and vacant land. Slash pine, cypress, blackgum and red maple are common canopy species with chain fern, poison ivy, fetterbush and wax myrtle as ground cover associates. At the wetland edge sweetgum and mesic oaks are common. Past silvicultural practices as well as road and drainage improvements have impacted the historic wetland hydrology. Drainage to the

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Ortega River system is via ditches with culverts. The proposed construction will impact the highly disturbed edge of the system adjacent to the existing roadway.

Surface Waters

The Surface Water ditches are colonized with herbaceous wetland species. Cattail soft rush, pennywort, spikerush and maidencane are common floral species associated with the on-site ditches.

3. Project Purpose:

Basic: Roadway improvements associate with I-295.

Overall: The addition of four collector distributor lanes outside of the current edge of pavement and the construction of a new interchange at the current Collins Road overpass.

4. Scope of Analysis: The scope of analysis was limited to the project site and included endangered species, essential fisheries habitat concerns, and cultural resources.

5. Statutory Authority: Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

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

a. State Permit/Certification: The St. Johns River Water Management District (SJRWMD) permit number 4-031-17963-11 was issued on 12 February 2008.

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 Coastal Zone Management Plan. Issuance of a SJRWMD permit certifies that the project is consistent with the CZM plan.

c. Other Authorizations: No information has been received regarding any other authorizations that may be required.

7. Date of Public Notice and Summary of Comments

a. The application was received on 18 December 2006. The Corps requested additional information via letter dated 8 January

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2006. The application was considered complete on 20 May 2007. A public notice was issued on 29 May 2007, and sent to all interested parties including appropriate State and Federal agencies. Due to the large number of adjacent property owners the applicant elected to advertise the public notice in the local paper with the largest circulation. The notice was published once during the week and once during the weekend to reach the widest distribution of readers. All comments received on this application have been reviewed and are summarized below:

(1) Environmental Protection Agency (EPA): Did not respond to the public notice.

(2) U.S. Fish and Wildlife Service (FWS): Did not respond to the public notice.

(3) National Marine Fisheries Service (NMFS): By letter dated 28 June 2007, the NMFS provided a detailed response. The response states the project as proposed will have a substantial adverse impact on EFH and provided EFH Conservation Recommendations. See paragraph 10(g) for a detailed evaluation of NMFS comments.

(4) State Historic Preservation Officer (SHPO): Did not respond to the public notice. However, SHPO responded via letter dated 9 May 2003, (SHPO file No. 2003-3464) agreeing with Federal Highway Administration's determination that the proposed project would not effect any resources listed, or considered eligible for listing in the National Register of Historic Places.

(5) Individuals: Camalot, LLC has requested a public hearing to discuss the project. Camalot, LLC is concerned the proposed project will diminish the commercial value and potential use of the property due to run off and displaced listed species which will be relocated to their property due to adjacent impacts. Further, Camalot, LLC is concerned that the impacts associated with this project will not be adequately mitigated.

(6) No comments were received from State or Local agencies, organizations, individuals or any other interested party.

b. Applicant's response to the comments: The U.S. Army Corps of Engineers (Corps) coordinated NMFS comments and its

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concerns with the applicant via letter dated 6 July 2007. The applicant responded via letter dated 30 July 2007.

The applicant provided a copy of the Preliminary Engineering Report which defined the alternatives analysis, crash data, and evacuation needs of the proposed project. Additionally, the applicant provided a Pond Siting Analysis which outlines why the submitted pond sites were selected. Further, the applicant stated the portion of the Ortega River that falls within the project area is tidally influenced but the water is designated as freshwater and not estuarine. The applicant has made the position that the only federally regulated species impacted by the project would be the red drum and its existence in the portion of the Ortega River would be limited.

8. Alternatives:

a. Avoidance (No action, uplands, availability of other sites): Interstate 295 is part of the Florida Intrastate Highway System and primarily services northeast Florida. The proposed project involves the addition of collector distributor lanes to an existing highway system which are expected to alleviate increasing traffic demands associated with the Collins Road and Blanding Blvd interchanges.

The no action alternative would not allow for project completion. The applicant was asked to explore alternatives which eliminated pond sites from wetland areas; however, the applicant was unable to completely eliminate pond sites from wetlands due to treatment and attenuation requirements imposed by SJRWMD, the limited availability of right-of-way, the non compliant conditions of the existing master storm water drainage system, and topographic constraints of the project site.

The applicant was not asked to explore alternative roadway alignments beyond those already evaluated. The applicant has completed a Preliminary Engineering Report which evaluated alternative interchange alignments. The report concluded that the alignment proposed in this application is the preferred alternative which provided for overall efficiency and safety for both the interchange and Collins Road.

b. Minimization (modified project designs, etc.): The project has been minimized to the maximum extent practicable that would allow the applicant to achieve the project purpose. The

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applicant has completed a Final Pond Siting Report which further supports the location of the pond sites. The applicant has taken additional design steps to reduce impacts which include: designing the collector/distributor roads within the existing right-of-way to reduce impacts to wetlands and nearby businesses and homes, selecting dry detention ponds in lieu of purchasing 2.3 acres of property needed for offsite treatment. Further, in areas where there is significant grade differential between the collector/distributor roadway and existing grade, a proprietary retaining wall will be constructed in conjunction with the outside barrier.

c. Compensatory Mitigation (Wetland enhancement, creations, etc.): 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 compensatory mitigation plan # 213345 is defined in the 2008 SJRWMD FDOT MITIGATION PLAN, Mitigation Project Groups SJ 23 and SJ 50 (Wetland enhancement, creations, etc.): SJ 23 and SJ 50 update as of November 2007

This is a summary of the current status of mitigation implemented by SJRWMD for FDOT Mitigation Groups SJ 23 and SJ 50. These groups are currently comprised of the following FDOT road projects located in SJRWMD Regulatory Basin 4 (Northern St. Johns River and Northern Coastal):

| FM# | project | impact ac. | permit |
|---------|-----------------------------------|------------|--------------------|
| 2094841 | SR 228 SCLRR Bridge 720045 | 2.47 | 199902345 (NW-ME) |
| 2082251 | SR 23 Branam Field Chaffee Rd. | 5.60 | 199902775 (IP-BL) |
| 2092501 | SR 23 Branam Field Chaffee Rd. | 69.45 | 199902888 (IP-BL) |
| 2132582 | SR 23 (BFC) - I-10 Interchange | 45.00 | 200501514 (IP-JJS) |
| 2096595 | SR 23 from SR 134 to I-10 | 83.53 | 200501514 (IP-JJS) |
| 2115602 | CR 209 Black Creek Bridge | 2.99 | 200x05223 (IP-AWP) |
| 2133515 | I-295 Blanding Blvd. Ramps | 6.13 | 200205823 (IP-JJS) |
| 2133234 | I-95/I-295 North Interchange | 0.75 | 200510547 |
| 2082071 | US 17 Doctor's Inlet Bridge | 0.62 | 200405533 (IP-JJS) |
| 2082112 | SR 21 Old Jennings to Knight Boxx | 2.14 | |
| 2132724 | I-10 from SR 23 to I-295 | 12.45 | 200607591 (IP-AWP) |

The mitigation plans for these road projects were approved by the SJRWMD Governing Board in 1997, 2000, 2005, 2006 and 2007.

The approved mitigation plan for SJ 23 is preservation and enhancement of regionally significant uplands and wetlands that would be managed as additions to Jennings State Forest or preservation of lands which could serve as wildlife corridors

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between the State Forest and other conservation lands at Cecil Field, the Northeast Florida Timberlands Florida Forever project and or the Etoniah Cross-Florida Greenway Florida Forever project. These projects and other conservation lands will comprise a significant area of protected and enhanced habitat which can serve as part of a wildlife corridor between the Ocala and Osceola National Forests.

The approved mitigation plan for mitigation group SJ 50 was the purchase of credits from Loblolly Mitigation Bank, with the caveat that if SJRWMD was not able to obtain a cost-effective price for credits, the impacts from the SJ 50 Group would be offset by increasing the mitigation for SJ 23. As SJRWMD was not able to obtain a cost-effective price for credits, SJ 50 has been merged into SJ23.

The following four were added to SJ 23 as part of the 2008 Mitigation Plan which will be considered by the SJRWMD Governing Board by March 30, 2008.

| FM# | Project | Impact |
|---------|---|-------------|
| 2081662 | SR23/BFC overpass Plantation Oaks Blvd. | 1.12 acres |
| 2092503 | SR23/BFC Clay CL to Argyle Forest Blvd. | 1.19 acres |
| 2121091 | Highway Ave. Cedar Ck. Bridge replacement | 0.58 acres |
| 2133451 | I-295 @ Collins Rd. Blanding Blvd. | 32.00 acres |

The total wetland impact acreage including both previously approved and anticipated 2008 projects is 266.02 acres. (Acreages shown are the greater of either the federal or state impacts.)

To date SJRWMD has completed nine acquisitions which will be managed to provide wetland enhancement as mitigation for the road projects, including advance mitigation for the fy 2008 projects. The total acreage of the parcels and the acreage funded by FDOT is as follows:

| | Total acreage | FDOT acreage |
|---|----------------|----------------|
| LA 2000R-07 Jackson | 73.25 | 73.25 |
| LA 2000R-29 Timber Forest | 80.58 | 40.29 |
| LA 2000R-30 Yellow Water | 78.71 | 139.35 |
| LA 2000R-31 Cochise Pines | 324.77 | 162.38 |
| LA 2000R-32 Black Timber | 402.34 | 201.17 |
| LA 2000R-33 Longleaf Timber | 372.73 | 186.36 |
| LA 2001R-41 Longbranch Farms | 1839.61 | 919.81 |
| LA 2005R-07 Bull Creek North | 3520.69 | 1961.54 |
| LA 2005-027, 028, 030 Longbranch Crossing | <u>2683.00</u> | <u>1121.76</u> |
| | 9502.43 | 4805.91 |

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| | |
|-----------------|---------|
| Wetland acreage | 1455.93 |
| Upland acreage | 3349.98 |

The purpose of the Florida Forever Projects, which these acquisitions are helping to fulfill, is establishment of a conservation landscape connecting several high quality public lands. Expansions of, and connections between, these conservation areas increases the long term viability of fish and wildlife by reducing potential for genetic isolation, increasing available area for species with large home ranges and providing corridors for mobile species to relocate in the event of changes to their habitat.

The parcels secured include over thirteen miles of creek and stream channel including portions of Sal Taylor Branch, Yellow Water Creek, Long Branch Creek, Bull Creek, Ates Creek, Little Black Creek and Black Creek. Most of the parcels have considerable topographic relief resulting in a variety of natural communities some of which are relatively rare and ranked as G3/S2 by the Florida Natural Areas Inventory. These include sandhill, scrub, seepage slope, seepage stream and slope forest. These and other communities potentially provide habitat for state and federally listed species such as the Florida Black Bear, Gopher Tortoise, Indigo Snake, Gopher Frog, Black Creek Crayfish, Hartwrightia, Bartram's Ixia, and others. The area of Camp Blanding adjacent to Bull Creek currently has the second largest Red Cockaded Woodpecker colony in Florida, some of which may eventually expand to the Bull Creek parcel, once suitable habitat is restored.

One of the other notable features is that many of the parcels have small tributary streams that originate within the parcel. The surrounding upland areas, which have no regulatory protection, are extremely important to their hydrology, water quality and resulting habitat value. This is particularly true for the streams which have deeply incised channels and minimal adjacent floodplain. Preservation of the entire contributing watershed to these streams will ensure that their current functions will be maintained in perpetuity.

All of the parcels except Longbranch Crossing will be managed by the Florida Division of Forestry as additions to Jennings State Forest. Longbranch Crossing is a conservation easement with restrictions that establish an upland buffer along the creek

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systems. Although only the FDOT funded acreage will be included in calculations for permitting purposes, the property interest in the parcels is not divided and the parcels will be managed as a unit.

Portions of some of the parcels have been significantly altered by silvicultural activities including bedding, planting of pines at an inappropriate density, clearing, drainage and fire exclusion. The long term management plan for the mitigation sites will include the following elements; ditches which are affecting the wetland hydrology will be filled or plugged and unnecessary roads will be closed and abandoned in a manner which will correct their hydrologic impact on wetlands. In areas where pines have been planted in wetlands and wetlands buffers the pines will be removed or thinned to a more natural density. Wetland timber will not be harvested, except for the initial thinning or removal of planted pine to restore the historic plant community. An upland buffer at least 100 ft. from the wetland boundary or 550 ft. from a stream edge, whichever is greater, will be managed in the same manner as the wetlands. This will eventually result in a mature riparian corridor. A fire management program will be implemented to help restore the native ground cover and reduce shrub density. Invasive non-native species will be controlled.

SJRWMD has submitted a UMAM worksheet for the mitigation sites. For calculation purposes 50% of the FDOT funded upland acreage is used as the polygon area. The UMAM provided indicates 15.34 functional units of lift would be generated by preservation, enhancement, and management of 1257 acres of wetlands and 251 functional units of lift would be generated from preservation, enhancement, and management of 1674.99 acres of uplands. A total of 8.44 functional units were deducted to offset impacts associated with SAJ-2006-7591 (I-10 Helsema to Lane).

The applicant has completed a functional assessment and determined functional loss would be 15.73 units for this project. The mitigation offered by the applicant is sufficient to offset impacts on the values and functions of the wetland resource associated with the proposed widening.

9. Evaluation of the 404(b)(1) Guidelines: The proposed project has been reviewed in accordance with the 404 (b)(1) Guidelines. The review shows that all the alternatives have been reviewed and it has been adequately demonstrated that the proposed alternative

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is the least environmentally damaging and only practicable alternative considering cost, existing technology and logistics. It would not cause or contribute to violations of State Water quality standards, jeopardize the existence of any endangered species or impact a marine sanctuary. No significant degradation would be expected and all appropriate and practicable steps have been taken to minimize impacts.

10. Public Interest Review:

a. Corps analysis of comments and responses: All comments received in response to the public notice have been considered in the following public interest review.

b. All public interest factors have been reviewed, including but not limited to the effects the work might have on conservation, economics, esthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, land use, navigation, shore erosion and accretion, recreation, water quality, safety, and consideration of property ownership. It has been determined that the proposed work will not adversely impact any of the public interest factors.

c. Describe the relative extent of the public and private need for the proposed structure or work: Public benefits include employment opportunities and a potential increase in the local tax base. Private benefits include land use and economic return on the property.

d. 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.

e. 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.

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f. Threatened or Endangered Species: The applicant has conducted endangered species surveys and did not observe the presence of any federally listed 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 likely 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. FWS concurred with this determination via letter dated 30 May 2007. Additionally, the applicant committed in the PER to follow the Standard Manatee Construction Conditions.

g. Essential Fisheries Habitat (EFH): The public notice included an initial determination that the project would not have an adverse impact on EFH or Federally managed fisheries. In response to the public notice, the NMFS indicated on 28 June 2007, that the proposed project would impact EFH and provided several EFH conservation recommendations specifically requesting avoidance and minimization of wetland impacts and a compensatory mitigation.

By letter dated 7 April 2008, the Corps informed the NMFS that authorization for the proposed project would be granted on or about 10 days based on the fact that the project would not cause or contribute to violations of State Water quality standards, jeopardize the existence of any endangered species or affect a marine sanctuary. The Corps does not expect significant degradation and the applicant has taken all available practicable steps to minimize impacts and will incorporate best management practices during construction. 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 NMFS responded via letter dated 17 April 2008, stating not all EFH conservation recommendations have been addressed. Specifically, NMFS has requested widening to the inside of the roadway; however, NMFS will not elevate the project.

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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.

h. Corps Wetland Policy: The proposed wetland alteration is necessary to realize the project purpose and should result in minimal adverse environmental impacts. The benefits of the project would outweigh the minimal detrimental impacts. The project would result in a no-net loss of wetland functions and values. Therefore the project is in accordance with the Corps wetland policy.

i. Cumulative and Secondary Impacts: Adverse cumulative and secondary impacts should not occur as a result of this project. The applicant will provide compensatory mitigation within the same drainage basin as the impacts which will replace any lost functions and values within the watershed. The applicant will incorporate best management practices during construction which will reduce the possibility of secondary impacts. Filling of wetlands at this project site would not set precedent for additional filling activities in waters of the United States to occur.

j. Corps Comments and Responses: Full consideration was given to all comments received during the public notice. Camalot, LLC has expressed concerns that this project would adversely affect the financial value of their parcel. The Corps is unable to assess the financial value of the Camalot, LLC parcel; any financial impacts which may arise would be addressed by the applicant and Camalot, LLC. With regards to impacts to the Camalot, LLC parcel by Federally listed species; it is the Corps opinion that the parcel would not be adversely impacted. The developed nature of the project corridor and the high level of usage of the roadway makes it unlikely that federally listed species would be displaced by the construction of this project. Mitigation for this project will be completed in accordance 373.4137, Florida Statute (FS). This statute provides \$98,050.00 to off set impacts to wetlands. SJRWMD has developed a compensatory mitigation plan which will insure no net loss of functions and values. Mitigation completed in accordance with 373.4137, FS, is not compared to mitigation completed by private individuals or companies. Therefore, Camalot LLC would not be impacted by the dollar amount expended for compensatory mitigation. The issuance of a Department of the Army permit for this project would not affect the evaluation and possible

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permitting of the Camalot, LLC parcel. This determination was coordinated with Camalot, LLC via letter dated 5 May 2008.

11. 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 above, I have determined that the proposed discharge complies with the 404(b)(1) guidelines.

c. Public interest determination: I find that issuance of a Department of the Army permit is not contrary to the public interest.

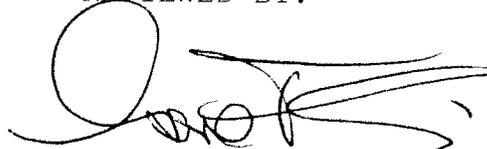
d. Section 176(c) of the Clean Air Act General Conformity Rule Review: The proposed permit action has been analyzed for conformity applicability pursuant to regulations implementing Section 176(c) of the Clean Air Act. It has been determined that the activities proposed under this permit will not exceed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

PREPARED BY:



ANDREW W. PHILLIPS
Project Manager

REVIEWED BY:



IRENE F. SADOWSKI
Chief, Cocoa Section

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APPROVED BY:

A handwritten signature in black ink that reads "Kelly C. Unger". The signature is written in a cursive style with a large, looped "K" and "U".

PAUL L. GROSSKRUGER
Colonel, Corps of Engineers
Commanding

CF:CESAJ-RD-PE