

Statement of Findings

Number: _____



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AUG 15 2008

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 (FDOT)
District III
P.O. Box 607
Chipley, FL 32428
2. Location, Project Description, Existing Conditions: The project is the widening of State Road 79 (SR-79) between Environmental Road and Strickland Road, in Section 5, Township 1 North, Range 16 West, and Section 32, Township 1 North, Range 16 West, Ebro, Washington County, Florida. Wetlands 2 West and Wetland 3 are hydrologically connected to Pine Log Creek.

The applicant proposes to impact 1.34 acres of waters of the United States (wetlands) and 0.51 acre of isolated wetlands for the widening of SR-79.

The on-site wetlands consist of freshwater wet flatwood communities. The project includes two separate wetland areas that are all part of the same drainage basin - Pine Log Creek. The wetlands are numbered from south to north. Each wetland includes a western and an eastern portion based on natural conditions in the watershed.

Wetland 1 was previously permitted under Department of the Army permit SAJ-2006-4624(IP-DEB). Wetland 2 east (W2E) has been determined to be isolated. Wetland 2 west (W2W) and Wetland 3 (W3) consists of wetland habitats that flows into Pine Log Creek. The Corps coordinated the isolated wetland determination with Headquarters and EPA on 2 May 2008, no response was received.

3. Project Purpose: Basic: The widening of an existing road.

Overall: The widening of SR-79, including stormwater management system, from Environmental Road to Strickland Road, Washington County, Florida.

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.

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5. Statutory Authority: 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 Department of Environmental Protection (DEP) permit number 67-0286499-001-DF was issued on XXXX.

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 DEP 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 21 March 2008. Additional information was requested 26 March 2008. The application was considered complete on 8 May 2008. A public notice was issued on 8 May 2008, and sent to all interested parties including appropriate State and Federal agencies. 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): By letter dated 5 June 2008, the FWS provided a response pursuant to the Endangered Species Act and Fish and Wildlife Act. See paragraph 10(f) for complete details.

(3) National Marine Fisheries Service (NMFS): By letter dated 3 June 2008, the NMFS had no objection to the proposed project.

(4) State Historic Preservation Officer (SHPO): SHPO responded by letter dated 4 June 2008, stating the project will not impact historic properties.

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

b. Applicant's response to the comments: No comments were forwarded to the applicant.

8. Alternatives:

a. Avoidance (No action, uplands, availability of other sites): The applicant evaluated the widening of SR 79 by completing a Project Development and Environmental (PD&E) Study. The PD&E evaluated the no build alternative, alternative corridors, alternative alignments, project costs, traffic counts, and evacuation routes.

SR 79 is part of the Florida Intrastate Highway System and a designated Emergency Evacuation Route for the coastal population of Bay and Walton Counties. The no build alternative would not allow for project completion. Additionally, significant traffic safety concerns along SR 79 would most likely occur if the project were not constructed. Alternative corridors would not be feasible due to cost and environmental impacts associated with relocating the roadway. The applicant evaluated alternative alignments which shift the road, but determined widening from the center alignment would have the least amount of environmental and relocation impacts. Additionally, cost would be considerably less if the road were widened from the center alignment.

b. Minimization (modified project designs, etc.): The project has been minimized to the maximum extent possible while still allowing the applicant to achieve the project purpose. The road has been designed to meet State of Florida roadway design standards which dictate design width for a particular design speed. The applicant will reuse existing lanes and refitting the new lanes to avoid the Section 4f (public use) lands represented by Ebro Community Center. Additionally, the applicant will develop a stormwater management pond in Basin 2 to treat areas which currently do not receive treatment. The applicant was not asked to further explore minimization alternatives beyond those already achieved; given the design constraints of the proposed roadway.

c. Compensatory Mitigation (Wetland enhancement, creations, etc.): The applicant has completed a functional assessment of

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direct and secondary impacts to wetland 2 West and 3. Direct impacts will eliminate 0.78 functions and values. Secondary impacts will eliminate 0.31 functions and values. Secondary impacts were assessed at a distance of approximately 150 feet from edge of pavement of the proposed alignment. Secondary impacts were reduced due to the introduction of stormwater management systems which will reduce pollutant loading and discharge frequency.

Wetland impacts for this project will be mitigated through the Northwest Florida Umbrella, Watershed-Based, Regional Mitigation Plan (PLAN), as defined in the agreement between the Northwest Florida Water Management District (NWFWMD) and the U.S. Army Corps of Engineers (Corps), Jacksonville District, 31 July 2006. Wetland impacts for this project will be mitigated through the acquisition of federal credits from the approved Sand Hill Lakes Mitigation Bank, SAJ-2002-5061(NW-DEB). The applicant will acquire 1.1 credits from the mitigation bank. The bank has sufficient credits available for purchase.

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 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, aesthetics, 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

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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 during construction, travel safety, decreased travel delays, and increased mobility.

d. Describe the practicability of using reasonable alternative locations and methods to accomplish the objective of the proposed work where there are unresolved conflicts as to resource use: There are no unresolved conflicts regarding resource use.

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: Detrimental impacts are expected to be minimal although they would be permanent in the construction area. 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.

f. Threatened or Endangered Species: The FWS previously provided concurrence with the applicant's determination that the proposed work may affect, but is not likely to adversely affect, resources protected by the Endangered Species Act (FWS # 4-P-01-225 and #4-P-03-106), specifically the flatwoods salamander. Copies of these letters are included in the administrative record. FWS also provided comments pursuant to the Fish and Wildlife Coordination Act requesting additional information regarding compensatory mitigation, secondary impacts, and the possibility of wildlife crossings. FWS participated in the mitigation review process at the July 2008 Umbrella Mitigation Plan Mitigation Review Team meeting in Panama City, Florida and concurred with the mitigation proposed.

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. The NMFS did not provide any EFH conservation recommendations in response to the public notice. Therefore, the Corps is satisfied

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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: Cumulative and secondary impacts would not be unacceptable. Filling of wetlands at this project site would not set precedent for additional filling activities in waters of the United States to occur. The applicant has proposed compensatory mitigation within the same drainage basin as the impacts which will reduce cumulative impact within the basin. The applicant will implement Best Management Practices and erosion control measures to reduced potential secondary impacts.

j. Corps Comments and Responses: Full consideration was given to all comments received during the public notice. Some comments provided by FWS are beyond the scope of our purview; specifically future wildlife crossings. FWS as the agency charged with protection of federally listed species should take the lead to initiate discussions with property owners regarding wildlife crossings and develop conservation management plans.

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 in paragraph 7 above, I have determined that the proposed discharge complies with the 404(b)(1) guidelines.

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

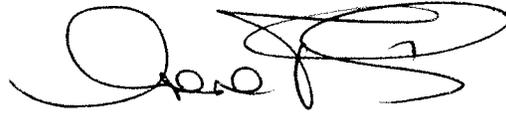
d. Section 176(c) of the Clean Air Act General Conformity Rule Review: The proposed permit action has been analyzed for conformity applicability pursuant to regulations implementing Section 176(c) of the Clean Air Act. It has been determined that the activities proposed under this permit will not exceed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

REVIEWED BY:

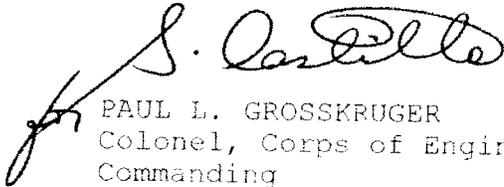


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