

Statement of Findings

Number: _____



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29 October 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, District 3
Attn: Joy Giddens
P.O. Box 607
Chipley, Florida 32428

2. Location, Project Description, Existing Conditions: The project is the replacement of the State Road 30 (SR 30) (US 98) bridge over the Wakulla River. The project will impact wetlands abutting the Wakulla River. The project is located in Section 32, Township 02 South, Range 01 East, Wakulla River Bridge.

The applicant proposes to impact 1.98 acres of waters of the United States (wetlands) for the replacement of an existing bridge. The new bridge would be shifted to the north to maintain existing traffic flow.

Wetlands within the project area are freshwater wetlands; to include forested wetlands near the bridge, herbaceous wetlands along the roadway, and submerged aquatic vegetation (SAV) in the shallow water of Wakulla River. These wetlands were not identified as essential fish habitat. Wetland impacts associated with the northern alignment shift include an estimated 1.3 acres of forested wetlands, 0.68 acres of herbaceous wetlands, and approximately 0.32 acres of shade impacts to SAV. Temporary wetland impacts, 0.15 acres, occur due to a short detour road on the east end of the project during a transition phase as the existing roadway traffic is shifted to the new roadway alignment. The temporary impacts are to herbaceous wetlands within the grass swales.

A survey of the submerged aquatic vegetation was done in February 2007. It was determined 0.32 acres of SAV could become shaded out by the new bridge. The new bridge will be 2-3 ft. higher than the existing bridge; but shading from the new bridge will occur; the approximate amount of shade created is not known at this time. The existing bridge does not have any SAV within its shaded area. As the existing bridge will be removed, it is anticipated the SAV will multiply and grow in the area due to the absence of shade. An abundance of SAV is within the project limits; providing seed source and high expectation for successful

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growth in new areas. Impacts to SAV will be offset with the removal of the old bridge. The old bridge is approximately 290 ft x 29 ft = 8410 sq.ft; or 0.19 acres. The new bridge is longer and wider than the existing, thus its anticipated shading impacts are 0.32 acres. If you offset these numbers, a deficit of 0.13 ac. of impacts to SAV exists. The removal of the existing bridge abutments will add shallow water areas for additional SAV to populate. Water quality will also be significantly improved due to the stormwater treatment of the new bridge and approaches through the installation of French drains on either end of the bridge. Currently, no stormwater treatment exists at the bridge.

3. Project Purpose: Basic: Replacement of existing bridge.

Overall: Replacement of the existing SR 30 (US 98) bridge crossing the Wakulla River and the associated stormwater management system improvements.

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 Department of Environmental Protection (DEP) permit number 65-0281553-001-DF was issued on 29 August 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 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

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a. The application was received on 10 September 2007. The application was considered complete on 10 October 2007. A public notice was issued on 3 October 2007, 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 2 November 2007, the FWS stated it had previously provided concurrence with the applicants' determination that the proposed work may affect, but is not likely to adversely affect, resources protected by the Endangered Species Act (FWS # 2008-I-0062). A copy of this letter is included in the administrative record. FWS also provided comments pursuant to the Fish and Wildlife Coordination Act regarding compensatory mitigation. 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.

(3) National Marine Fisheries Service (NMFS): By electronic mail dated 4 August 2008, NMFS had no objection to the project. They stated their objections had been addressed during the advanced notification process.

(4) State Historic Preservation Officer (SHPO): By letter dated 6 November 2007, SHPO has requested a cultural resources assessment survey prior to the initiation of construction.

SHPO responded with a second letter dated 9 September 2008, stating they have reviewed the *Archeological Monitoring Plan for the Bridge Replacement in the Vicinity of the Wakulla River Fishing Weir Site (8WA843)* dated 8 August 2008, and concur there will be no historic properties affected provided the commitments in the monitoring plan are strictly adhered, and changed only with agreement of all involved parties.

(5) The U.S. Coast Guard determined the proposed activity meets the criteria for the Surface Transportation Authorization Act and is exempted from Coast Guard Bridge Administration purposes.

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(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 applicant is working with the SHPO to resolve potential resource conflicts. The applicant has provided a compensatory mitigation proposal which full off-sets impact proposed.

8. Alternatives:

a. Avoidance (No action, uplands, availability of other sites): The no action alternative would not allow for project completion. Replacing the bridge in its current alignment was not viable since US 98 is an essential hurricane evacuation route and must remain open. The applicant evaluated utilization of temporary bridges but determined it was not feasible due to increased construction costs, right-of-way acquisition, and residential and business impacts.

b. Minimization (modified project designs, etc.): The project has been minimized to the maximum extent possible that would allow the applicant to achieve the project purpose. The applicant has minimized impacts by reducing the number of bent pilings from nine to seven. Additionally, the new bridge will be 100 feet longer than the existing structure which further reduces wetland fill. The applicant has designed the proposed structure to collect and treat stormwater runoff which currently enters the Wakulla River untreated. Further, the applicant will use steeper side slopes outside of the clear zone (30-feet) to reduce the project footprint.

c. Compensatory Mitigation (Wetland enhancement, creations, etc.): The Corps has completed a functional assessment of direct and secondary impacts to on-site wetlands. Direct impacts will eliminate 1.31 functional units. Secondary impacts will eliminate 1.15 functional units. Secondary impacts were assessed at a distance of approximately 150 feet from edge of pavement of the proposed alignment and were estimated to impact 5.78 acres of wetlands. The existing roadway has grass swales providing stormwater treatment. The FDOT proposes to mitigate for impacts to SAV through the removal of the existing bridge, the creation of new shallow water habitats via the removal of the existing abutments, and the increased water quality in Wakulla River with the new stormwater treatment system. Secondary impacts were

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reduced due to the introduction of stormwater management systems which will reduce pollutant loading and flow 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 (NFWMD) and the U.S. Army Corps of Engineers (Corps), Jacksonville District, July 31, 2006. Wetland impacts for this project will be mitigated through the acquisition of wetlands on the Ferrell Tract. Specific maps and functional assessments for this parcel can be found at NFWMDwetlands.com. The mitigation review team has evaluated the proposed mitigation and determined it is appropriate for the type of impacts and meets the 2008 EPA/Corps Mitigation Rule. The NFWMD will contribute funds toward the joint purchase of the Ferrell Tract with FDEP (Parks and Recreation Division). The NFWMD funds will be directed toward the purchase of wetlands and upland buffers which will protect wetlands within the same watershed as the proposed impacts. The wetlands proposed for acquisition have a direct sub-surface hydrological connection to the Wakulla River system making them jurisdictional waters of the United States. This connection has been mapped and recorded by FDEP using cave divers. NFWMD will secure 11.0 acres of wetlands (sinkholes and associated forested wetlands) and 2.0 acres of high-quality forested uplands at the Ferrell Tract. UMAM analysis indicates that 2.57 functional units would be achieved through this project.

Because the Ferrell Tract is a joint acquisition with FDEP and the parcel is intended for recreation the applicant will construct a Wetland Educational Kiosk to define the area purchased for mitigation and the importance of wetlands.

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.

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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 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: The beneficial effects for public transportation may include an increase in public safety and the more effective movement of vehicular traffic. The replacement of the bridge will ensure this hurricane evacuation route will remain accessible to all types of vehicles.

f. Threatened or Endangered Species: The proposed project will not jeopardize the continued existence or critical habitat of any threatened or endangered species. The applicant coordinated with USFWS via letter dated 12 October 2007, stating the project will have not adversely effect any federally listed species. The FWS concurred with this determination via letter dated 1 November 2007. The Corps confirmed this determination with USFWS and they provided concurrence via letter dated 2 November 2007.

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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 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. The applicant has worked with SHPO to resolve resource conflicts.

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.

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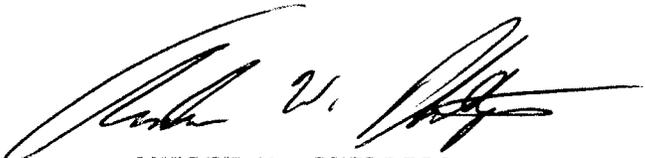
b. Compliance with 404(b)(1) guidelines. Having completed the evaluation in paragraph 7 above, I have determined that the proposed discharge complies with the 404(b)(1) guidelines.

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

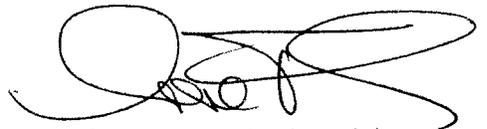
d. Section 176(c) of the Clean Air Act General Conformity Rule Review: The proposed permit action has been analyzed for conformity applicability pursuant to regulations implementing Section 176(c) of the Clean Air Act. It has been determined that the activities proposed under this permit will not exceed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

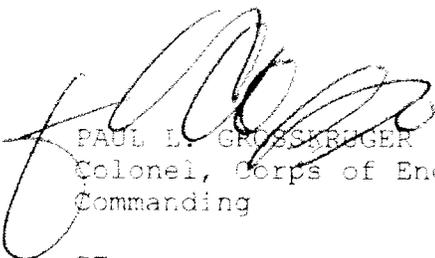


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