



REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
**JACKSONVILLE DISTRICT CORPS OF ENGINEERS**  
**COCOA PERMITS SECTION**  
**400 HIGH POINT DRIVE, SUITE 600**  
**COCOA, FLORIDA 32926**

DEC 24 2008

**15-Day Comment Period Requested**

Cocoa Permits Section

***PUBLIC NOTICE***

Permit Application No. SAJ-2008-4725(IP-AWP)

TO WHOM IT MAY CONCERN: This district has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344) as described below:

APPLICANT: Florida Department of Transportation - District 5  
Attn: Patrick Muench  
719 S. Woodland Blvd.  
Deland, Florida 32720

WATERWAY & LOCATION: The project is located on the north side of State Road (SR) 600 (US 92), within the existing right-of-way, extending for approximately 2.64 miles between SR 15 and Kepler Road. The project is located in Section 35, Township 16 South, Range 30 East and Section 3 and 4, Township 17 South, Range 30 East, Volusia County, Florida. The project as proposed will impact Little Haw Creek and its associated wetlands.

Directions to the site are as follows: From the intersection of SR 15 and SR 600 proceed east on SR 600.

LATITUDE & LONGITUDE: Latitude 29.0610 North  
Longitude 81.2786 West

PROJECT PURPOSE:

Basic: Construct a multi-use trail.

Overall: Construct a multi-use trail adjacent to SR 600 in DeLand, Florida.

PROPOSED WORK: The applicant proposes to impact 1.12 acres of waters of the United States, wetlands and surface waters, for

the construction of a 12-foot wide multi-use trail parallel to State Road 600.

Avoidance and Minimization Information: The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment:

This project involves construction of a 12' wide multi-use trail placed within the existing right-of-way while maintaining adequate distance from the existing roadway to meet FDOT safety guidelines. As such, alignment alternatives are limited, as are options to maximize avoidance of impacts to existing roadside jurisdictional wetlands. The proposed alignment is the culmination of a series of redesigns by Eisman and Russo, Inc. to limits impacts to wetlands to the greatest extent possible.

Compensatory Mitigation: The applicant has offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment:

Mitigation will be completed in accordance with section 373.4137, Florida Statutes, (F.S.). The mitigation as defined in the St. Johns River Water Management District 2009-2010 FDOT Wetland Mitigation Plan, Basin 16, Project Group NewSJ56 states: Approved mitigation planned for this mitigation group consists of a combination of preservation and habitat enhancement.

EXISTING CONDITIONS: The project area consists of a mixture of uplands and forested wetland communities. A Sand Pine community was observed west of North Kepler Road and east of Oak Street. A Hardwood-Conifer Mixed community is located in upland areas on either side of Marsh Rd. and west of Little Haw Creek.

Ditches and Creeks within the project area include Little Haw Creek west of Marsh Road (SW-1). This creek connects to Miller Lake to the south and to Clark Bay to the north. The crossing of Little Haw Creek through the project area has been highly modified and contains concrete structures in place for bank stabilization. Species noted within the creek include water lettuce (*Pistia stratiotes*), cattail (*Typha latifolia*), marsh pennywort (*Hydrocotyle umbellata*), and soft rush (*Juncus effusus*). Other surface waters (OSW-1 and OSW-2) include frequently maintained upland cut ditches located on either side of North McDonald Avenue.

Two distinct Wetland Forested Mixed communities are located within the proposed project alignment. Wetland 1 (W-1) is

located immediately east of Langley Avenue and Wetland 2 (W-2) is located to the west of Detrick Avenue. Portions of both of these wetlands are located within the existing right-of-way of SR 600. These communities are characterized by a variety of tree species including sweetbay magnolia (*Magnolia virginiana*), red maple (*Acer rubrum*), water oak (*Quercus nigra*), laurel oak (*Q. laurifolia*), loblolly bay (*Gordonia lasianthus*), and slash pine. The midstory and ground cover of this community (when present) includes primrose willow (*Ludwigia peruviana*), Carolina willow (*Salix caroliniana*), elderberry (*Sambucus canadensis*), royal fern (*Osmunda regalis*), smartweed (*Polygonum punctatum*), cinnamon fern (*Osmunda cinnamomea*), and blackberry (*Rubus* sp.). Those portions extending into the right-of-way are characterized by muck/mucky mineral soils and wetland vegetation including marsh pennywort, alligator weed (*Alternanthera philoxeroides*), coinwort (*Centella asiatica*), and smartweed.

The DeLand Municipal Airport is located directly to the north of a large portion of the project corridor.

ENDANGERED SPECIES: The U.S. Army Corps of Engineers has determined the proposal would have no effect on any listed threatened or endangered species or designated critical habitat.

ESSENTIAL FISH HABITAT (EFH): This notice initiates consultation with the National Marine Fisheries Service on EFH as required by the Magnuson-Stevens Fishery Conservation and Management Act 1996. A review of the USGS National Hydrography Dataset indicates Little Haw Creek ultimately discharges to the St. Johns River. The proposal would impact approximately 1.12 acres of freshwater wetlands which may provide detrital matter which may be utilized by various life stages of federally managed species in the St. Johns River. Our initial determination is that the proposed action would not have a substantial adverse impact on EFH or Federally managed fisheries in the St. Johns River. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The jurisdictional line has not been verified by Corps personnel.

AUTHORIZATION FROM OTHER AGENCIES: Water Quality Certification may be required from the St. Johns River Water Management District.

Comments regarding the application should be submitted in writing to the District Engineer at the above address within 15 days from the date of this notice.

If you have any questions concerning this application, you may contact Andrew Phillips at the letterhead address, by electronic mail at [andrew.w.phillips@usace.army.mil](mailto:andrew.w.phillips@usace.army.mil), by fax at 321-504-3803, or by telephone at 321-504-3771 extension 14.

The decision whether to issue or deny this permit application will be based on the information received from this public notice and the evaluation of the probable impact to the associated wetlands. This is based on an analysis of the applicant's avoidance and minimization efforts for the project, as well as the compensatory mitigation proposed.

**IMPACT ON NATURAL RESOURCES:** Preliminary review of this application indicates that an Environmental Impact Statement will not be required. Coordination with US Fish and Wildlife Service, Environmental Protection Agency (EPA), the National Marine Fisheries Services, and other Federal, State, and local agencies, environmental groups, and concerned citizens generally yields pertinent environmental information that is instrumental in determining the impact the proposed action will have on the natural resources of the area. By means of this notice, we are soliciting comments on the potential effects of the project on threatened or endangered species or their habitat.

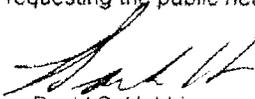
**IMPACT ON CULTURAL RESOURCES:** Review of the latest published version of the National Register of Historic Places indicates that no registered properties, or properties listed as eligible for inclusion therein, are located at the site of the proposed work. Presently, unknown archaeological, scientific, prehistorical, or historical data may be lost or destroyed by the work to be accomplished.

**EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act of the criteria established under authority of Section 102(a) of the Marine, Protection, Research, and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

The US Army Corps of Engineers (Corps) is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make or deny this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**COASTAL ZONE MANAGEMENT CONSISTENCY:** In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan. In Puerto Rico, a Coastal Zone Management Consistency Concurrence is required from the Puerto Rico Planning Board. In the Virgin Islands, the Department of Planning and Natural Resources permit constitutes compliance with approved Coastal Zone Management Plan.

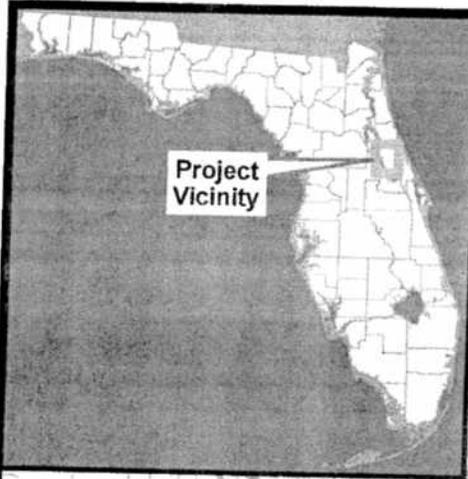
**REQUEST FOR PUBLIC HEARING:** Any person may request a public hearing. The request must be submitted in writing to the District Engineer within the designated comment period of the notice and must state the specific reasons for requesting the public hearing.

  
David S. Hobbie  
Regulatory Division

**RECEIVED**

DEC 19 2008

JACKSONVILLE DISTRICT  
USACE



U.S. Army Corps of Engineers  
Application # 545-208-4725  
Date: 12/23/08  
Sheet 1 of 6

 **Lotspeich and Associates, Inc.**  
ECOLOGICAL CONSULTANTS  
2711 West Fairbanks Avenue, Winter Park, Florida 32789  
407.740.8482 Fax: 645.1305 www.lotspeichandassociates.com

**SR 600 Multi-Use Trail**  
from SR 15 to Kepler Rd  
in Section 35, Township 16 South, Range 30 East and  
Sections 3 and 4, Township 17, Range 30 East  
Volusia County, Florida

**Vicinity Map**

File: 07226.MXD

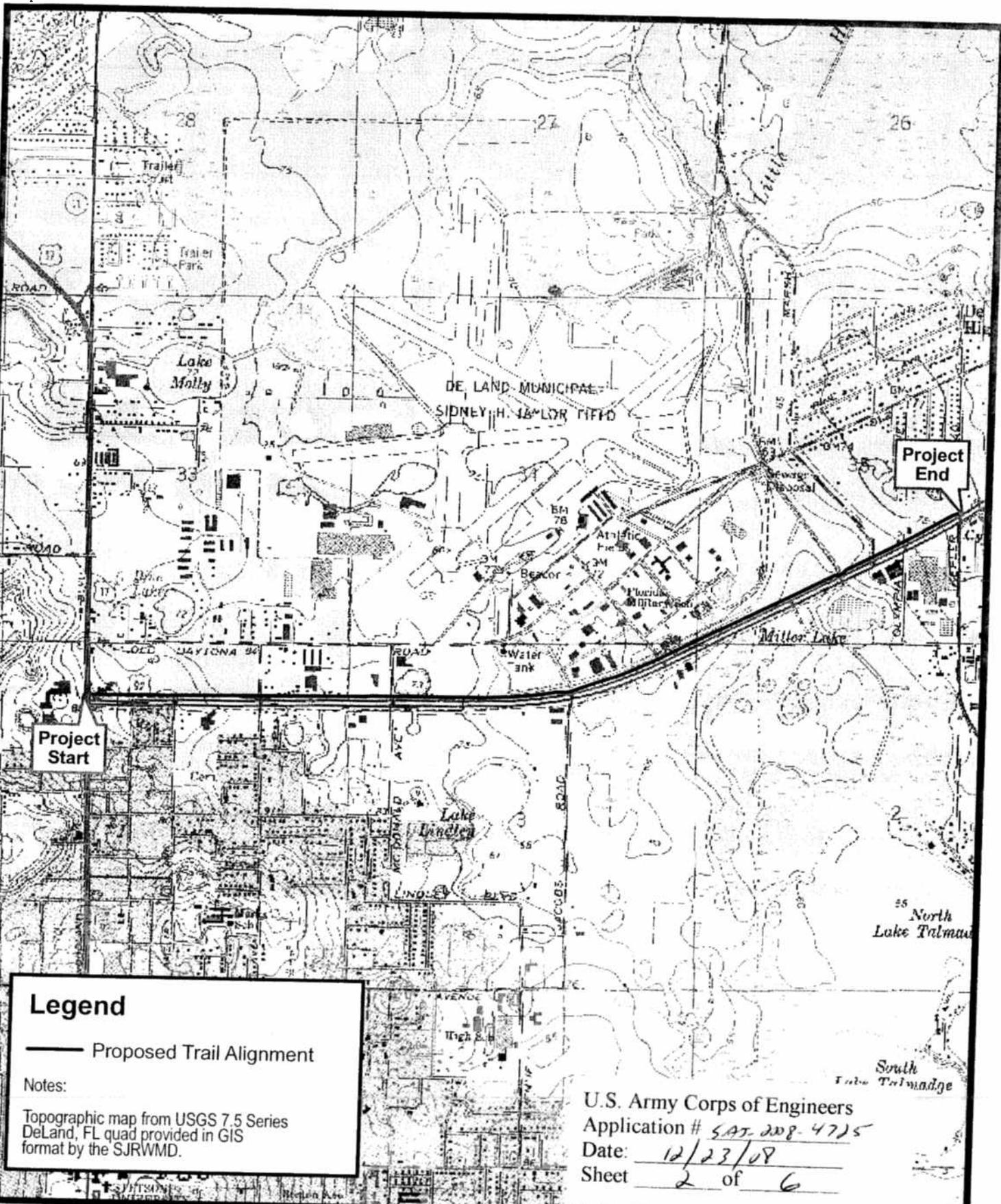
Drawn By: BEH

Job No.: 2007-226.33

Date: 11 Aug 2008

↑ North

Scale: 1" = 1 mile  
Figure 1



Project Start

Project End

**Legend**

— Proposed Trail Alignment

Notes:

Topographic map from USGS 7.5 Series  
DeLand, FL quad provided in GIS  
format by the SJRWMD.

U.S. Army Corps of Engineers  
Application # SAT. 208-4715  
Date: 12/23/08  
Sheet 2 of 6

**Lotspeich and Associates, Inc.**  
ECOLOGICAL CONSULTANTS  
2711 West Fairbanks Avenue, Winter Park, Florida 32789  
407.740.8482 Fax: 645.1305 www.lotspeichandassociates.com

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in Section 35, Township 16 South, Range 30 East and  
Sections 3 and 4, Township 17, Range 30 East  
Volusia County, Florida

**Topographic Map**

File: 07226.MXD

Drawn By: BEH

Job No.: 2007-226.33

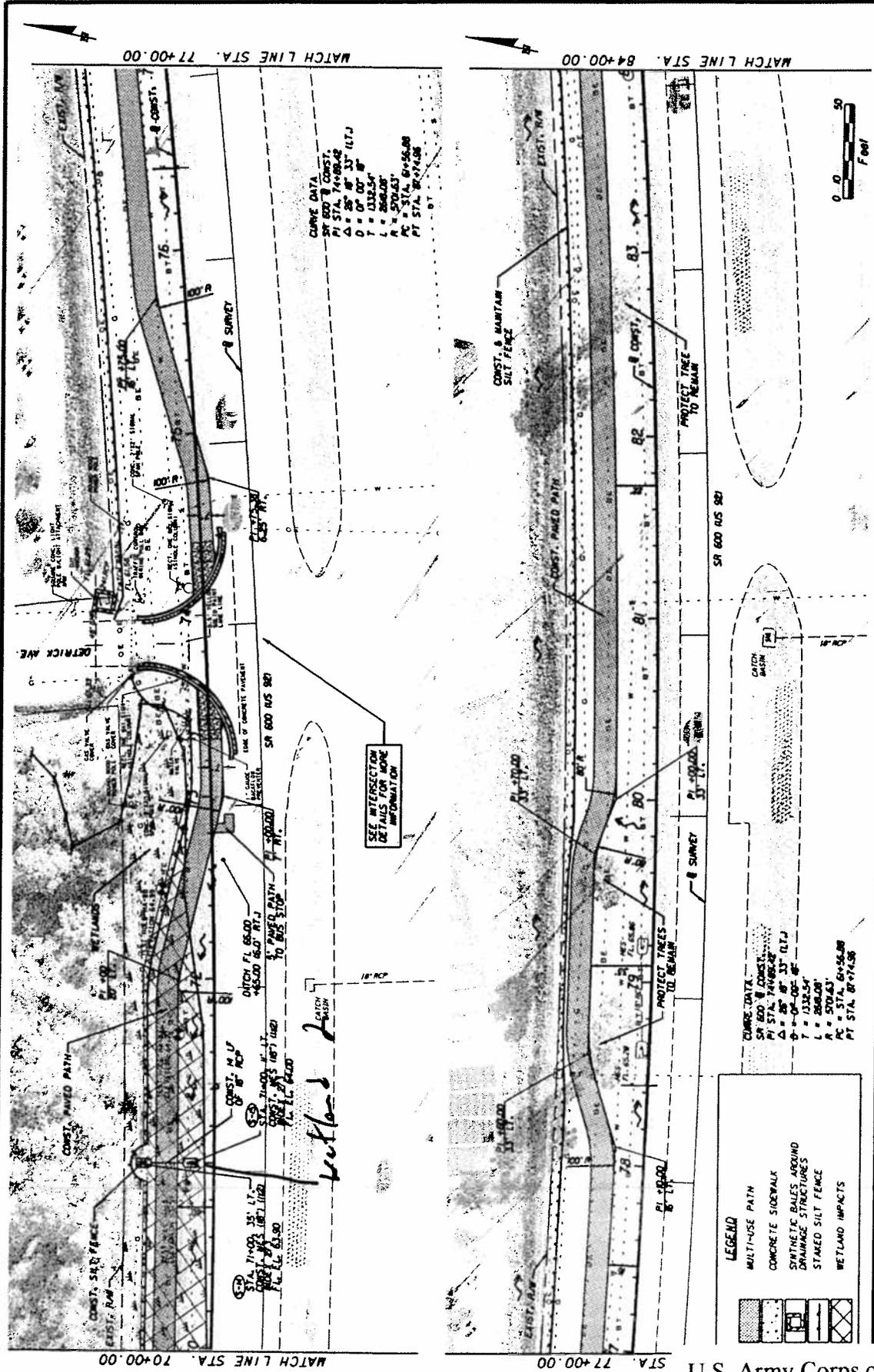
Date: 11 Aug 2008

↑ North

Scale: 1" = 2,000'

Figure 2

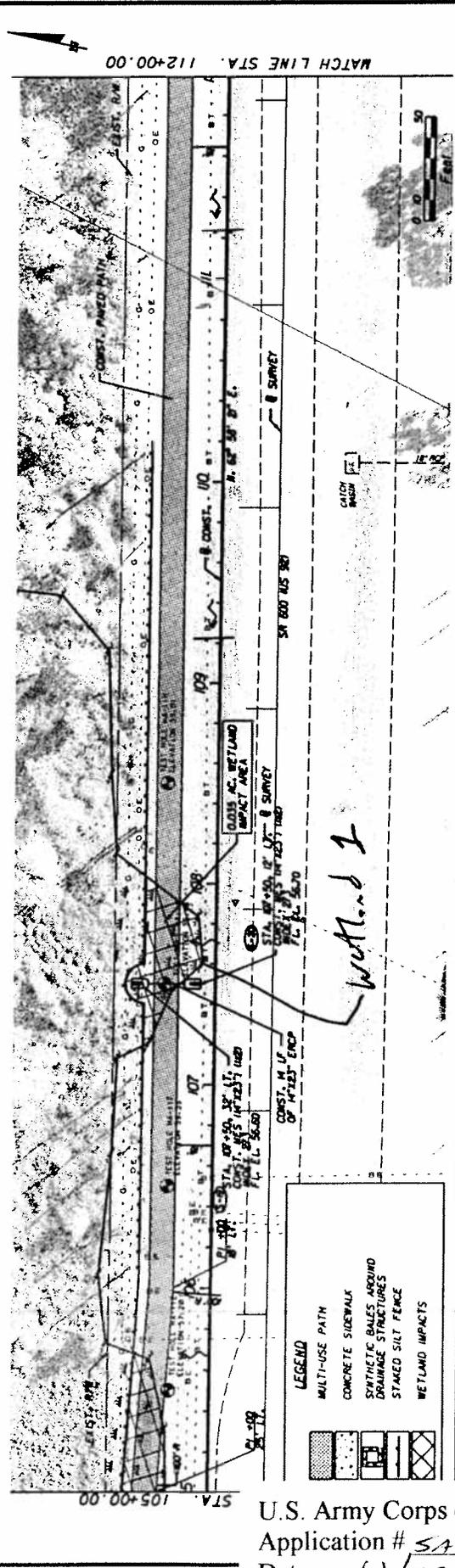
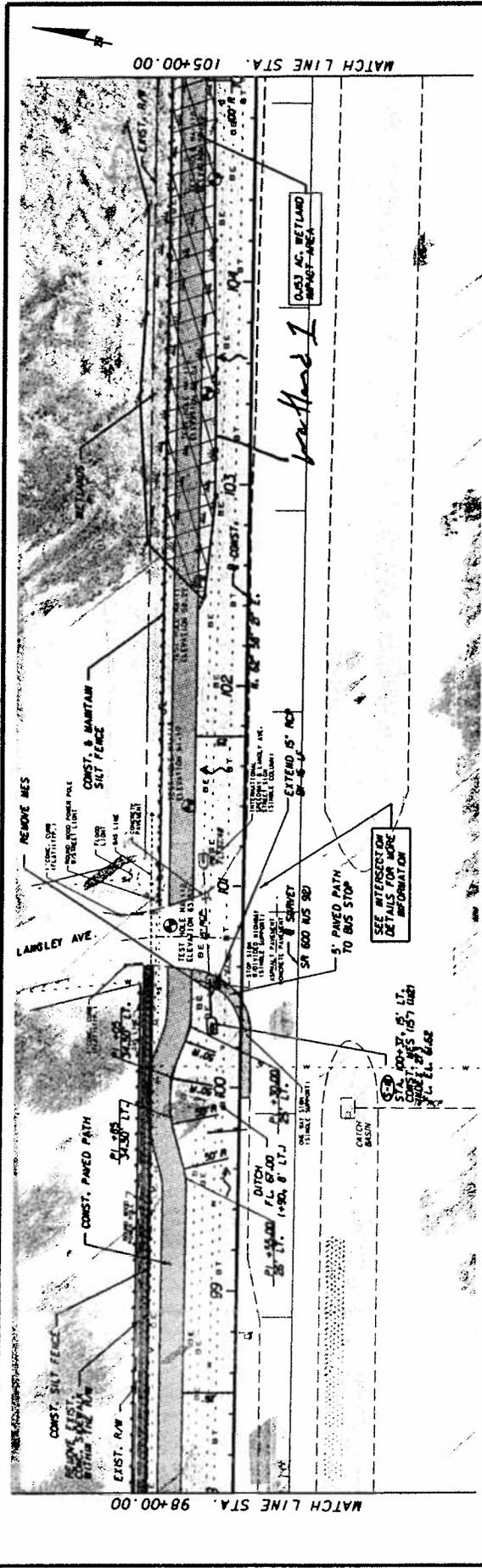




STATE OF FLORIDA		DEPARTMENT OF TRANSPORTATION	
ROAD NO.	COUNTY	FISCAL PROJECT NO.	
SR 600	VOLUSIA	417205-1-52-01	
EISMAN & RUSSO ENGINEERS 1115 W. BIRD CIRCLE, SUITE 100 JACKSONVILLE, FLORIDA 32217 PHONE (904) 733-1478 FAX (904) 733-1479 LICENSE #11111 (CIVIL) (P.L. NO. 6444) EXP. DATE 12/31/08			
DESCRIPTION	DATE	REVISIONS	
BY PLAN RD06 DGN	12/18/08 3:28:04 PM		
PLAN STA 70+00 TO STA. 84+00			SHEET NO. 11

*12/18/08*

U.S. Army Corps of Engineers  
 Application # 101-2008-4715  
 Date: 10/23/08  
 Sheet 4 of 6



**LEGEND**

- [Symbol] MULTI-USE PATH
- [Symbol] CONCRETE SIDEWALK
- [Symbol] SYNTHETIC BALES AROUND DRAINAGE STRUCTURES
- [Symbol] STAGED SILT FENCE
- [Symbol] WETLAND IMPACTS

STATE OF FLORIDA	DEPARTMENT OF TRANSPORTATION	PROJECT NO.	SR 600
COUNTY	VOLUSIA	PROJECT ID	41205-1-52-01
Eisman & Russo Consulting Engineers 11500 N.W. 13th St., Suite 100 Boca Raton, FL 33433 Phone: (561) 731-1278 FAX: (561) 731-1279 HUBBARD L. CANTILLANO, P.E., No. 66442 Cert. of Exp. No. 4281		PLAN STA 98+00 TO STA. 112+00	
REVISIONS	DATE	SHEET NO.	
		19	

*Wetland I*

*12/13/08*

U.S. Army Corps of Engineers  
 Application # SAT-2008-4725  
 Date: 12/23/08  
 Sheet 5 of 6

