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

REPLY TO ATTENTION OF

March 17, 2009

Cocoa Permits Section
SAJ-2007-6618(NW-AWP)

FDOT-District 5
Attn: Patrick Muench
719 South Woodland Blvd.
Deland, Florida 32720

Dear Mr. Muench:

Your application for a Department of the Army permit received on February 25, 2009, has been assigned number SAJ-2007-6618(NW-AWP). A review of the information and drawings provided shows the proposed work is the construction of the Sanford Station of the Central Florida Commuter Rail. The project will impact approximately 0.04 acre of waters of the United States (surface waters). The project is located at the existing Wayne Densch property, located on the north side of SR 46 north of the intersection of SR 46 and West Airport Blvd., Section 39, Township 19 South, Range 30 East, Latitude 28.8122 Longitude 81.2986, Sanford, Seminole County, Florida.

Your project, as depicted on the received drawings, is authorized by Nationwide Permit (NWP) Number 39. In addition, project specific conditions have been enclosed. This verification is valid until March 17, 2011. Please access the U.S. Army Corps of Engineers' (Corps) Jacksonville District's Regulatory web to access web links to view the Final Nationwide Permits, Federal Register Vol. 72, dated March 12, 2007, the Corrections to the Final Nationwide Permits, Federal Register 72, May 8, 2007, and the List of Regional Conditions. Our website address is as follows:

http://www.saj.usace.army.mil/Divisions/Regulatory/permitting_types_NWP.htm.

These files contain the description of the Nationwide Permit authorization, the Nationwide Permit general conditions, and the regional conditions, which apply specifically to this verification for NWP 39. Additionally, enclosed is a list of the six General Conditions, which apply to all Department of the Army authorizations. You must comply with all of the special and general conditions and any project specific condition of this authorization or you may be subject to enforcement action. In

the event you have not completed construction of your project within the specified time limit, a separate application or re-verification may be required.

The following special conditions are included with this verification:

1. Within 60 days of completion of the work authorized, the attached "Self-Certification Statement of Compliance" must be completed and submitted to the U.S. Army Corps of Engineers. Mail the completed form to the Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, Florida 32926.

2. The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the U.S. Army Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

3. No structure or work shall adversely affect or disturb properties listed in the National Register of Historic Places or those eligible for inclusion in the National Register. Prior to the start of work, the Permittee or other party on the Permittee's behalf, shall conduct a search in the National Register Information System (NRIS). Information can be found at; http://www.cr.nps.gov/nr/research/nris.htm. Information on properties eligible for inclusion in the National Register can be identified by contacting the Florida Master File Office by email at fmsfile@dos.state.fl.us or by telephone at 850-245-6440.

If unexpected cultural resources are encountered at any time within the project area that was not the subject of a previous cultural resource assessment survey, work should cease in the immediate vicinity of such discoveries. The permittee, or other party, should notify the SHPO immediately, as well as the appropriate Army Corps of Engineers office. After such notifications, project activities should not resume without verbal and/or written authorization from the SHPO.

If unmarked human remains are encountered, all work shall stop immediately, and the proper authorities notified in accordance with Section 872.05, Florida Statutes, unless on Federal lands. After such notifications, project activities on non-Federal lands shall not resume without verbal and/or written authorization from the Florida State Archaeologist for finds under his or her jurisdiction.

This letter of authorization does not obviate the necessity to obtain any other Federal, State, or local permits, which may be required. In Florida, projects qualifying for this NWP must be authorized under Part IV of Chapter 373 by the Department of Environmental Protection, a water management district under §. 373.069, F.S., or a local government with delegated authority under §. 373.441, F.S., and receive Water Quality Certification (WQC) and Coastal Zone Consistency Concurrence (CZCC) (or a waiver), as well as any authorizations required by the State for the use of sovereignty submerged lands. You should check State-permitting requirements with the Florida Department of Environmental Protection or the appropriate water management district.

This letter does not give absolute Federal authority to perform the work as specified on your application. The proposed work may be subject to local building restrictions mandated by the National Flood Insurance Program. You should contact your local office that issues building permits to determine if your site is located in a flood-prone area, and if you must comply with the local building requirements mandated by the National Flood Insurance Program.

If you are unable to access the internet or require a hardcopy of any of the conditions, limitations, or expiration date for the above referenced NWP, please contact Andrew Phillips by telephone at 321-504-3771.

Thank you for your cooperation with our permit program. The Corps Jacksonville District Regulatory Division is committed to improving service to our customers. We strive to perform our duty in a friendly and timely manner while working to preserve our environment. We invite you to take a few minutes to visit the following link and complete our automated Customer Service Survey: http://regulatory.usacesurvey.com/. Your input is appreciated - favorable or otherwise.

Sincerely,

Andrew W. Phillips
Project Manager

Enclosures

GENERAL CONDITIONS
33 CFR PART 320-330
PUBLISHED FEDERAL REGISTER DATED 13 NOVEMBER 1986

1. The time limit for completing the work authorized ends on **date identified in the letter**. 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 of 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 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 a representative from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

SELF-CERTIFICATION STATEMENT OF COMPLIANCE

Permit Number: NW-39
Application Number: SAJ-2007-6618

Permittee's Name & Address (please print or type): _____

_____

_____

Telephone Number: _____

Location of the Work: _____

_____

Date Work Started: _____ Date Work Completed: _____

Description of the Work (e.g., bank stabilization, residential or commercial filling, docks, dredging, etc.): _____

_____

_____

Acreage or Square Feet of Impacts to Waters of the United States:

_____

Describe Mitigation completed (if applicable): _____

_____

_____

Describe any Deviations from Permit (attach drawing(s) depicting the deviations): _____

_____

_____

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I certify that all work, and mitigation (if applicable) was done in accordance with the limitations and conditions as described in the permit. Any deviations as described above are depicted on the attached drawing(s).

_____
Signature of Permittee

_____
Date

DEPARTMENT OF THE ARMY PERMIT TRANSFER REQUEST

PERMIT NUMBER:_____

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. Although the construction period for works authorized by Department of the Army permits is finite, the permit itself, with its limitations, does not expire.

To validate the transfer of this permit and the associated responsibilities associated with compliance with its terms and conditions, have the transferee sign and date below and mail to the U.S. Army Corps of Engineers, Enforcement Section, Post Office Box 4970, Jacksonville, FL 32232-0019.

_____
(TRANSFEREE-SIGNATURE)

_____
(DATE)

_____
(NAME-PRINTED)

_____

_____
(MAILING ADDRESS)

_____
(CITY, STATE, ZIP CODE)

_____
(SUBDIVISION)

_____ _____
(LOT) (BLOCK)

_____
(STREET ADDRESS)

CESAJ-RD-NC (1145B)
SAJ-2007-6618(NW-AWP)

18 March 2009

MEMORANDUM FOR RECORD

SUBJECT: Statement of Findings/Environmental Assessment/Finding of No Significant Impact/Public Interest Determination

1. For each of the reissued and new Nationwide Permits (NWP), HQUSACE issued a decision document that contains an Environmental Assessment (EA), Statement of Findings, public interest review, and as appropriate, a Section 404(b)(1) Guidelines analysis. The Office of the Chief of Engineers has determined that division and district engineers will impose, as necessary, additional conditions on the NWP authorization or exercise discretionary authority to address locally important factors relating to the public interest, including any potential adverse effects on the human environment, and to ensure that the authorized activity results in no more than minimal individual and cumulative adverse effects on the environment. Supplemental documentation was prepared for the division engineer to address the individual and cumulative effects of the NWP(s) on local resources. On 12 July 2007, the supplemental documentation was issued by the division engineer and the Jacksonville District's proposed regional conditions were approved. Where required by the terms of the permit, general conditions, and/or regional conditions, the Jacksonville District will continue to perform case-specific review to ensure that the NWP will authorize only activities with no more than minimal individual and cumulative adverse effects on the environment and those activities will not be contrary to the public interest.

2. Name and address of applicant:

FDOT-District 5
Attn: Patrick Muench
719 South Woodland Blvd.
Deland, Florida 32720

3. Project description: The applicant proposes to impact 0.04 acres of waters of the United States (surface waters) for the construction of the Sanford Station of the Commuter Rail. This activity meets the terms and conditions for authorization under Nationwide Permit 39, as published in the 12 March 2007, issue of the Federal Register (72 FR 11092).

4. Project location: The project is located at the existing Wayne Densch property, located on the north side of SR 46 north of the intersection of SR 46 and West Airport Blvd., Section 39, Township 19 South, Range 30 East, Latitude 28.8122 Longitude 81.2986, Sanford, Seminole County, Florida.

5. Existing site conditions:
The dominant upland land use type identified on this parcel is **Commercial and Services – 140.** This land use type represents approximately 5.1 acres. This area consists of a previously cleared and filled area vegetated with a variety of herbaceous pioneering species. Species observed within this area include bahia grass (*Paspalum notatum*), dog fennel (*Eupatorium capillifolium*), lantana (*Lantana camara*), cape weed (*Phyla nodiflora*), prickly pear (*Opuntia humifusa*), and Mexican tea (*Chenopodium ambrosioides*).

The second upland habitat type identified on this parcel is **Hardwood – Conifer Mixed – 434.** This habitat type is approximately 1.4 acres and is comprised of slash pine (*Pinus elliottii*), brazilian pepper, red maple (*Acer rubrum*), china-berry (*Melia azedarach*), wax myrtle, saw palmetto (*Serenoa repens*), beauty berry (*Callicarpa americana*), and bracken fern (*Pteridium aquilinum*).

Impacts will occur to a man made surface water located parallel to the existing rail road tracts.

6. Scope of Analysis: The scope of analysis is limited to the immediate permit area.

7. Alternatives: See Decision Document for Nationwide Permit 39, which was approved by the Director of Civil Works on 1 March 2007, and Supplemental Environmental Assessment for Nationwide Permit 39, which was approved by the South Atlantic Division Commander on 12 July 2007.

8. Evaluation of the potential adverse environmental effects (direct, indirect, and cumulative) of the proposed activity: See Decision Document for Nationwide Permit 39, which was approved by the Director of Civil Works on 1 March 2007, and Supplemental Environmental Assessment for Nationwide Permit 39, which was approved by the South Atlantic Division Commander on 12 July 2007.

9. Mitigation required to ensure that the activity being verified by the U.S. Army Corps of Engineers (Corps) will have no more than minimal adverse effect on environment: No compensatory mitigation is required. The applicant will ensure current surface water flow is not decreased or inhibited by the project.

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

a. Clean Water Act Section 401 Water Quality Certification (WQC): The St. Johns River Water Management District (SJRWMD) has not issued water quality certification to date. There is no indication from the SJRWMD that a permit will not be issued.

b. Coastal Zone Management (CZM) consistency certification: There is no indication from the SJRWMD that the project is inconsistent with CZM requirements. The issuance of a SJRWMD permit will certify the project is consistent with CZM standards.

c. Endangered Species Act compliance: The applicant has conducted endangered species surveys and did not observe the presence of any federally listed species. Additionally, the applicant conducted a database search and no federally listed species were documented within the project area. Further, the impact area is surrounded by roads and commercial development which deter federally listed species from utilizing the area. Based on these items listed above the Corps has determined the proposed project will have no effect on federally listed species.

d. National Historic Preservation Act (NHPA) compliance: NHPA concerns will be addressed by the placement of a special condition in the verification letter advising Permittees how to proceed should unexpected cultural resources be encountered.

e. Other authorizations: N/A.

11. Special Conditions: No additional special conditions are required.

12. Public interest review: See Decision Document for Nationwide Permit 39, which was approved by the Director of Civil Works on 1 March 2007, and Supplemental Environmental Assessment for Nationwide Permit 39, which was approved by the South Atlantic Division Commander on 12 July 2007.

13. Finding of No Significant Impact: See Decision Document for Nationwide Permit 39, which was approved by the Director of Civil Works on 1 March 2007.

14. Public Interest Determination: This activity, if conducted in accordance with the terms and conditions of the NWP and the special conditions stated in the NWP verification letter, will not be contrary to the public interest.

PREPARED BY:

Andrew W. Phillips
PROJECT MANAGER

REVIEWED BY:

Irene F. Sadowski
Chief, Cocoa Permits Section