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

REPLY TO
ATTENTION OF

MAY 1 1 2009

Regulatory Division
North Permits Section
SAJ-2005-08619(MOD-AWP)
MODIFICATION 1

Florida Department of Transportation, District 3
Attn: Joy Giddens
P.O. Box 607
Chipley, Florida 32428

Dear Ms. Giddens:

This letter is in reference to your request for a modification of Department of the Army permit SAJ-2005-08619(IP-DEB) issued to FDOT, District 3 for the widening of 1.05-miles of State Road (SR) 79 for the Open Creek bridge in the Town of Vernon, Washington County.

By copy of this letter the U.S. Army Corps of Engineers is granting your request for a modification of the compensatory mitigation requirements identified in your Department of the Army permit. Specifically, the modification will remove the requirement to utilize the Glover Tract and replace it with the Plum Creek Mitigation Site identified in the Northwest Florida Umbrella, Watershed-based, Regional Mitigation Plan. The Northwest Florida Water Management District will deduct 2.42 credits from the Plum Creek Mitigation Ledger.

The impact of your proposal on navigation and the environment have been reviewed and found to be insignificant. The permit is hereby modified in accordance with your request. You should attach this letter to the permit. All other conditions of the permit remain in full force and effect.

If you have any questions concerning permit modification, please contact the project manager Andrew Phillips at the letterhead address, by telephone at 321-504-3771 extension 14 or by electronic mail at andrew.w.phillips@usace.army.mil.

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.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

For Paul L. Grosskruger
Colonel, U.S. Army
District Engineer

Copies Furnished: (electronically)

FWS, Mittiga
EPA, Harper
NMFS, Rydene
NWFWMD, Cairns
RD-PE

CESAJ-RD-NC (1145b)
SAJ-2005-8619(IP-AWP)

MEMORANDUM FOR RECORD

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

1. Applicant: Florida Department of Transportation-District 5
Attn: Joy Giddens
1074 Highway 90 (PO Box 607)
Chipley, Florida 32428

2. Reason for supplement: The Northwest Florida Water Management District (NWFWMD) is proposing an alternative mitigation proposal for Department of the Army permit SAJ-2005-08619(IP-DEB) issued 10 August 2006. Applicant completed construction associated with the project on 29 September 08.

The DA permit required NWFWMD to implement preservation and restoration of forested wetlands at the Glover Tract mitigation site. The NWFWMD has not been able to modify the conservation easement as requested by the Corps nor complete the required restoration activities to date. Since permit issuance the NWFWMD has proposed the acquisition of the Plum Creek mitigation site as part of the NWFWMD Umbrella Mitigation Plan. The Plum Creek site has been reviewed and approved by the U.S. Army Corps of Engineers and the Interagency Review Team and has credits available for deduction as part of the Mitigation Plan. The Plum Creek site is located within the same drainage basin as the impact site.

3. Original Authorized Project: The placement of fill into 1.82 acres of forested wetlands for the widening and replacement of the State Road 79 bridge over Open Creek.

4. Endangered Species: The Corps of Engineers determined that the proposed modification will have no impacts to federally listed species.

5. Essential Fish Habitat (EFH): The Corps of Engineers determined that the proposed modification will have no impacts to EFH.

6. Mitigation: Due to the time lag associated with the completion of the mitigation the applicant will provide

additional mitigation. The additional mitigation was calculated by multiplying the Functional Loss (2.351) by the State of Florida 2-year time-lag (1.03), which would increase the Functional Loss from 2.35 to 2.42. The resulting time-lag penalty of 0.071 credits was determined.

Mitigation will be completed at the approved NWFWMD Umbrella Mitigation Plan, Plum Creek mitigation site. After debiting the SR 79 Open Creek (2.422 credits) and SR 79 Holmes Creek (7.24 credits), a balance of 2.408 would be left at Plum Creek.

7. Special Conditions: No special conditions are required with the issues of the proposed modification.

8. Determination: I have reviewed all the pertinent information and have concluded that the determinations of the permit evaluation are still valid and there have been no significant changes in the circumstances surrounding this permit since the final determination was made. Therefore, the conclusion that the permit is not contrary to the public interest, that it complies with the 404(b)(1) Guidelines, and that an Environmental Impact Statement is not required is still valid.

PREPARED BY:

Andrew W. Phillips 5/8/09
Project Manager

REVIEWED BY:

Irene F. Sadowski
Chief, Cocoa Permits Section

APPROVED BY:

For **Paul L. Grosskruger**
Colonel, U.S. Army
District Commander