

DEPARTMENT OF THE ARMY JACKSONVILLE DISTRICT CORPS OF ENGINEERS POST OFFICE BOX 4970 JACKSONVILLE, FLORIDA 32232

February 9, 2018

ATTENTION OF Regulatory Division North Permits Branch Panama City Permits Section

REPLY TO

PUBLIC NOTICE

Permit Application No. SAJ-2017-00404 (SP-RLT)

TO WHOM IT MAY CONCERN: The Jacksonville District of the U.S. Army Corps of Engineers (Corps) 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 (FDOT) – District 7 Attn: Ms. Virginia Creighton 11201 N. McKinley Drive Tampa, Florida 33612

WATERWAY AND LOCATION: The project would affect waters of the United States associated with Harney Flats Canal, a tributary to the Tampa Bay Bypass Canal, which flows to McKay Bay, a Traditional Navigable Waterway. The project site is located at the Interstate 75 (I-75)/Interstate 4 (I-4) Interchange in Sections 19, 29, 30, and 32, Township 28 South, Range 20 East, Hillsborough County, Florida.

Directions to the site are as follows: The project site is located at the Interstate 75 (I-75)/Interstate 4 (I-4) Interchange in Hillsborough County, Florida.

APPROXIMATE CENTRAL COORDINATES: Latitude: 28.014889 ° Longitude: - 82.329628 °

PROJECT PURPOSE:

Basic: Linear transportation.

Overall: The overall project purpose is roadway improvements at the I-75 and I-4 interchange in Hillsborough County, Florida.

EXISTING CONDITIONS: The project area consists of limited access right-of-way (ROW) and existing system interchange of a turbine configuration with a four-legged directional interchange and four flyover ramps and encompasses approximately 93.51 acres. The four flyover ramps include the movements for the northbound I-75 exit ramp to westbound I-4, the southbound I-75 exit ramp to eastbound I-4, the westbound I-4 exit ramp to southbound I-75, and the eastbound I-4 exit ramp to northbound I-75. The four-legged diamond interchange ramps include the movements for westbound I-4 to northbound I-75, eastbound I-4 to southbound I-75, southbound I-75 to westbound I-4,

and northbound I-75 to eastbound I-4. All ramps terminate in merge-diverge movements. Currently there is little to no treatment of stormwater runoff from I-75. The existing conveyance system is an open channel system consisting of depressed medians, roadside ditches, and interchange infields created during the original construction of the roadway. The I-75/I-4 interchange is a vital interchange in the local and regional transportation network, as well as a critical evacuation route as shown on the Florida Division of Emergency Management's evacuation route network. The I-75 and I-4 corridors, as major north-south and east-west facilities, respectively, link the Tampa Bay region with the remainder of the state and the nation, supporting commerce, trade, and tourism. I-75 and I-4 are part of the Florida Intrastate Highway System (FIHS) and the Strategic Intermodal System (SIS), which are the statewide transportation network that provides for the movement of goods and people at high speeds and high volumes. Exceptionally heavy traffic volumes utilize the I-75/I-4 interchange on a daily basis. Adjacent land use is comprised of commercial (including the Tampa Executive Airport) and residential properties interspersed with undeveloped areas. The undeveloped lands consist of upland forests, forested wetlands, non-forested wetlands, and pastures. Wetlands and surface waters that fall within the project limits include the portions of these fringes of forested and herbaceous systems, and some isolated wetland communities that developed within the existing FDOT ROW following the original roadway construction. None of the wetland or surface water systems within the project area are located within Outstanding Florida Waters or Aquatic Preserves, or sovereign submerged lands. Field surveys were performed by the applicant's consultant on 3 and 6 March 2014. The following paragraphs describe the vegetative composition and hydrological features of the wetlands and a general description of the vegetative composition of the surface waters within and adjacent to the Limits of Construction, as identified by the applicant's consultant:

Wetland 1W: USFWS Classification: PEM1 / FLUCFCS Code: 641 - Freshwater Marsh. Soil classification: Basinger, Holopaw, and Samsula soils, depressional (hydric): The portion of Wetland 1W located in the I-75 ROW is classified as a palustrine emergent system with persistent vegetation (PEM1). The assessment area is part of a larger forested system that continues to the west and is connected via a culvert to a wetland system on the east side of I-75. This wetland is connected to Surface Water (SW) 1W to the south and SW 8W to the north. Surrounding uplands outside the assessment area include improved pasture, institutional, residential, and interstate highway. The portion of this system within the project limits is herbaceous. Wetland 1W is comprised of Carolina willow (Salix caroliniana), elderberry (Sambucus nigra), primrose willow (Ludwigia peruviana), cattail (Typha sp.) and bald cypress (Taxodium distichum) with grapevine (Vitis sp.) and Virginia creeper (Parthenocissus quinquefolia) covering the majority of the vegetation. Standing water was observed in the system. Other signs of hydrology include stain lines on the vegetation and fence. The assessment area is dominated by nuisance/exotic vegetation. This system has been negatively affected by ROW maintenance and associated edge affects.

Wetland 2W: USFWS Classification: PFO1 / FLUCFCS Code: 617 – Mixed Wetland Hardwoods. Soil classification: Chobee muck, depressiona (hydric): The assessment

area is part of a large forested system that continues to the west and is connected via a culvert to a wetland system on the east side of I-75. This system connects to a ditch (SW 7W) to the south. Surrounding uplands outside the assessment area include improved pasture, the Tampa Executive Airport, residential property, and interstate highway. This system is classified as a palustrine forested system with broadleaved deciduous trees (PFO1). This forested system is comprised of American elm (Ulmus americana), sugarberry (*Celtis laevigata*), red maple (*Acer rubrum*), cabbage palm (*Sabal palmetto*), paper mulberry (*Broussonetia papyrifera*), Carolina willow and scattered bald cypress. The understory is comprised of beggarticks (*Bidens alba*) and lantana (*Lantana camara*). Standing water was observed in the system. Other signs of hydrology include stain lines on the vegetation and fence. This system contains approximately 5 percent nuisance/exotic species. This system has been negatively affected by ROW maintenance and associated edge affects. Historic aerials indicate that this wetland was an emergent system.

Wetland 5W: USFWS Classification: PFO1 / FLUCFCS Code: 641 – Freshwater Marsh. Soil classification: Basinger, Holopaw, and Samsula soils, depressional (hydric): Wetland 5W is classified as a palustrine, forested system with broad-leaved deciduous trees (PFO1). The assessment area is part of a large forested system that continues to the west and is connected through a culvert to a wetland system on the east side of I-75. This system connects to a ditch (SW 7W) to the north. Surrounding uplands outside the assessment area include improved pasture, the Tampa Executive Airport, residential property, and interstate highway. This forested system is comprised of American elm, sugarberry, red maple, and cabbage palm. The understory is comprised of beggarticks and pennywort (*Hydrocotyle umbellata*). Standing water was observed in the system. Other signs of hydrology include stain lines on the vegetation and fence. A portion of this wetland is mowed and the forested portion slopes up to a berm on the western most edge. This system has been negatively affected by ROW maintenance and associated edge affects and the adjacent berm. Historic aerials indicate that this wetland was an emergent system.

Wetland 6W: USFWS Classification: PFO1 / FLUCFCS Code: 617 – Mixed Wetland Hardwoods. Soil classification: Chobee loamy fine sand (hydric): The assessment area is part of a large forested system that continues to the west and is connected to Harney Flats Canal (SW 10W) to the south and SW 1W to the north. Surrounding uplands outside the assessment area include improved pasture, the Tampa Executive Airport, residential property and interstate highway. This system is classified as a palustrine forested system with broad-leaved deciduous trees (PFO1). This forested system is comprised of red maple, American elm, sugarberry, cabbage palm, lead tree (*Leucaena leucocephala*), and laurel oak (*Quercus laurifolia*). The understory is comprised of beggarticks and Virginia chain fern (*Woodwardia virginica*). Standing water was observed in the system. Other signs of hydrology include stain lines on the vegetation and fence. This system contains approximately 5 percent nuisance/exotic species. This system has been negatively affected by ROW maintenance and associated edge affects.

Wetland 7W: USFWS Classification: PFO1 / FLUCFCS Code: 617 – Mixed Wetland Hardwoods. Soil classification: Chobee loamy fine sand (hydric): The assessment area is part of a large forested system that continues to the west and is connected to Harney Flats Canal (SW 10W) to the north and SW 11W to the south. Surrounding uplands outside the assessment area include improved pasture, the Tampa Executive Airport, residential property, and interstate highway. This system is classified as a palustrine, forested system with broad-leaved deciduous trees (PFO1). This forested system is comprised of red maple, American elm, sugarberry, cabbage palm, lead tree, and laurel oak. The understory is comprised of beggarticks and Virginia chain fern. Standing water was observed in the system. This system contains approximately 5 percent nuisance/exotic species. This system has been negatively affected by ROW maintenance and associated edge affects.

Wetland A: USFWS Classification: PFO1 / FLUCFCS Code: 617 – Mixed Wetland Hardwoods. Soil classification: Myakka fine sand, 0 to 2 percent slopes (hydric): Wetland A is an isolated, forested system located within the infield of the I-4/I-75 interchange and south of SW 14. Surrounding uplands outside the assessment area include interstate highway. This system is classified as a palustrine forested system with broad-leaved deciduous trees (PFO1). This system is dominated by laurel oak; subdominant species include red maple, American elm, wax myrtle, elderberry, Carolina willow, blackberry (*Rubus* sp.) and grapevine. The assessment area contains approximately 5% nuisance/exotic vegetation; specifically, Brazilian pepper (*Schinus terebinthifolia*). This system appears to mainly function as storage for stormwater runoff and was likely historically excavated. This system has been negatively affected by ROW maintenance and associated edge affects. No impacts are proposed to this wetland.

Wetland B: USFWS Classification: PFO1 / FLUCFCS Code: 617 – Mixed Wetland Hardwoods. Soil classification: Myakka fine sand, 0 to 2 percent slopes (hydric): Wetland B is a forested system located within the infield of the I-4/I-75 interchange. Wetland B is hydrologically connected to SW B to the north. This system is surrounded by interstate highway. This system is classified as a palustrine, forested system with broad-leaved deciduous trees (PFO1). This system is dominated by laurel oak, red maple, and American elm. Vegetation found in moderate quantities include wax myrtle, elderberry, Carolina willow, blackberry and grapevine. The assessment area contains approximately 5% nuisance/exotic vegetation; specifically, Brazilian pepper. This system appears to mainly function as storage for stormwater runoff and was likely historically excavated. This system has been negatively affected by ROW maintenance and associated edge affects. No impacts are proposed to this wetland.

Surface Waters: USFWS Classification: PEM1x / FLUCFCS Code: 510 – Streams and waterways. NRCS Soil Type: various soils: These man-made, drainage conveyances (SWs 1W, 2W, 5W, 6W, 7W, 8W, 9W, 10W, 11W, and 12W), are classified as upland excavated (created) palustrine wetlands with persistent, emergent vegetation (PEM1x). These linear cut ditches of varying lengths and widths within the project ROW. All surface waters appear to undergo routine mowing and or trimming of vegetation.

Vegetation observed includes primrose willow, cattail, torpedo grass (*Panicum repens*), Carolina willow, maidencane (*Panicum hemitomon*) and bahia grass (*Paspalum notatum*). The deeper surface waters also contain water hyacinth (*Eichhornia crassipes*). These areas are generally dominated by nuisance/exotic vegetation. The features appear to meet the criteria to provide suitable foraging habitat for the wood stork.

PROPOSED WORK: The proposed project involves the discharge of dredged and/or fill material into waters of the United States in order to perform roadway improvements at the I-75 and I-4 interchange. The project includes the addition of a new auxiliary lane for southbound I-75 from south of the Tampa Bypass Canal to the southbound exit ramp, and widening from a lone-lane ramp to a two-lane ramp from southbound I-75 to eastbound/westbound I-4. The project also includes 2,000 feet of milling and resurfacing on Sligh Avenue in the area of the ramp bridge. The length of the project is approximately 1.87 miles. The project would result in 3.56 acres of permanent surface water (drainage ditch) impacts, 5.91 acres of permanent nontidal forested wetland impacts, 0.89 acre of permanent nontidal herbaceous wetland impacts, 2.49 acres of secondary nontidal forested wetland impacts, and 0.55 acre of secondary nontidal herbaceous wetland impacts.

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 has been designed to avoid and minimize wetlands to the greatest extent practicable. Consideration was given to avoiding and/or minimizing wetland impacts. During field investigations for the I-75 PD&E Study completed in 2010. Project environmental data was used to develop the current alignment that provides the necessary roadway improvements, satisfies acceptable traffic engineering design standards, and avoids/minimizes impacts to significant environmental features to the greatest extent possible. It was determined the proposed design represents the minimum amount of fill required in order to achievne the project purpose and meet the FDOT's safety criteria and drainage requirements. The project would be constructed in accordance with the 401 WQC, and BMPs during construction will be implemented to avoid water quality degradation. The stormwater treatment facility would be improved and upgraded to fully treat and attenuate all anticipated stormwater. In accordance with the latest edition of FDOT's Standard Specifications for Road and Bridge Construction the adjacent offsite waters will be protected by erosion control measures, including staked turbidity barriers, floating turbidity barriers, geotextile hay bales, or a combination thereof, as well as sediment monitoring. Wetland and surface water impacts were reduced and eliminated wherever practicable. Based on the above considerations, there are no practicable alternatives to the proposed construction in wetlands, and the proposed action includes all practicable measures to minimize harm to wetlands that may result from proposed roadway construction. These wetlands have been disturbed by edge effects associated with adjacency to this development, as evidenced by presence of nuisance/exotic vegetative species within and adjacent to the ROW. By

constructing the project within and adjacent to the existing FDOT ROW, impacts to previously undisturbed resources is minimized.

COMPENSATORY MITIGATION – The applicant has offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment:

The applicant proposes the purchase of 4.75 freshwater herbaceous and forested Wetland Rapid Assessment Procedure (WRAP) credits from the Tampa Bay Mitigation Bank.

CULTURAL RESOURCES:

The Corps is aware of seven previously recorded historic resources within the permit area. By letter dated October 31, 2017, the FDOT indicated that a historical/architectural background research identified seven previously recorded historic resources within the Area of Potential Effects (APE). FDOT provided the State Historic Preservation Officer (SHPO) a Cultural Resource Assessment Technical Memorandum Update (October 2017) and requested SHPO concurrence with FDOT's determination that the construction activities within the ROW along 1.87 miles of the I-75 and I-4 interchange project will have no adverse effect on any resources listed or considered eligible for listing on the NRHP.

The seven historic resources are buildings that have been previously evaluated by the SHPO and determined not eligible for listing in the NRHP. Field survey confirmed the presence of the seven previously recorded resources, four newly identified historic resources (8HI13883-6; all buildings), and one linear resource (8HI13887; Harney Flats Canal). None of the previously recorded or newly identified resources is a distinctive embodiment of a type, period, or method of construction. In addition, background research did not reveal any historic associations with significant persons and/or events. Therefore, none of the seven previously recorded or five newly identified historic resources within the APE is considered potentially eligible for the NRHP, either individually or as part of a historic district.

By letter dated November 8, 2017, the SHPO provided concurrence with the FDOT recommendations and findings by adding a statement, signature, and date on the 31 October 2017, FDOT document.

ENDANGERED SPECIES: The project is located within the U.S. Fish and Wildlife Service's (FWS) Consultation Areas for Wood stork (*Mycteria americana*), Eastern Indigo snake (*Drymarchon corais couperi*), and Florida scrub jay (*Aphelocoma coerulescens*)

Wood Stork: This species typically inhabits freshwater and brackish wetlands, primarily nesting in cypress and mangrove swamps. They can be found foraging in shallow water in freshwater marshes, wet prairies, narrow tidal creeks, and flooded tidal pools,

as well as roadside ditches and pasturelands. The proposed project is within the buffer of nine wood stork nesting colonies. Also, the proposed project would impact 0.89 acre of herbaceous wetlands and 3.56 acres of surface waters which exhibit the parameters of suitable foraging habitat for the wood stork. Also, based upon review of the *Wood Stork Key for South Florida, dated May 18, 2010*, the proposed project resulted in the following sequential determination: A > B > C > E = "not likely to adversely affect" the wood stork. This is due to the applicant proposing to provide mitigation at the Tampa Bay Mitigation Bank (SAJ-1998-00796) which is within the appropriate CFA and of matching hydroperiod of the proposed impacts, and the project is not contrary to the Habitat Management Guidelines for the Wood Stork in the Southeast Region. Given the above information, the Corps has determined that the proposed project may affect, but is not likely to adversely affect the wood stork.

Eastern indigo snake: Potential impacts to the Eastern indigo snake were evaluated using *The Eastern Indigo Snake Programmatic Effect Determination Key, January 2010 and revised August 2013.* The Corps has programmatic concurrence with the sequential determination of A > B > C > NLAA pursuant to the Key. This determination is based on the applicant implementing the Standard Protection Measures for the Eastern Indigo Snake and there are no gopher tortoise burrows, holes, cavities, or other refugia where a snake could be buried or trapped and injured during project activities.

Florida scrub jay: The proposed project falls within the USFWS consultation area for the Florida scrub-jay. This species typically inhabits fire-dominated, low-growing, oak scrub habitat found on well-drained sandy soils and may persist in areas with sparser oaks or scrub areas that are overgrown. No appropriate habitat for the species exists near the project area, and none were observed during listed species surveys or other field work conducted by the applicant's consultant. Based on current distribution information for this species, the proposed project segment is more than nine miles northwest of any known Florida scrub-jay territory or observation; which is beyond the typical dispersal range of this species. Additionally, the project abuts the existing I-75 which is surrounded by wetlands, agriculture, the Tampa Executive Airport and developed lands, severely restricting colonization by emigrating birds from outside colonies. Therefore, the Corps has determined that the proposed project would have no effect on this species.

The Corps has determined the proposal would have no effect on any other 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. Our initial determination is that the proposed action would not have a substantial adverse impact on EFH or federally managed fisheries in the unnamed wetlands. 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 Florida Department of Environmental Protection and/or one of the state Water Management Districts.

COMMENTS regarding the potential authorization of the work proposed should be submitted in writing to the attention of the District Engineer through the Panama City Permits Section, Post Office Box 4970, Jacksonville, Florida 32232 within 15 days from the date of this notice.

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.

QUESTIONS concerning this application should be directed to the project manager, Mr. Randy Turner, in writing at the Jacksonville Permits Section, Post Office Box 4970, Jacksonville, Florida 32232, by electronic mail at Randy.L.Turner@usace.army.mil, by fax at (904) 232-1904, or by telephone at (904) 232-1670.

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 or 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 to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this determination, comments are used to assess impacts to endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. 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 the 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.





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