



DEPARTMENT OF THE ARMY  
JACKSONVILLE DISTRICT CORPS OF ENGINEERS  
P.O. BOX 4970  
JACKSONVILLE, FLORIDA 32232-0019

REPLY TO  
ATTENTION OF

Planning and Policy Division  
Environmental Branch

12 February 2014

To Whom It May Concern:

Pursuant to the National Environmental Policy Act (NEPA) and the U.S. Army Corps of Engineers (Corps) Regulation (33 CFR 230.11), this letter constitutes the Notice of Availability (NOA) of the Okeechobee RV Park Lease Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) in Glades County, Florida.

The EA/FONSI is available for your review on the Corps Environmental planning website, under Glades County:

<http://www.saj.usace.army.mil/About/DivisionsOffices/Planning/EnvironmentalBranch/EnvironmentalDocuments.aspx>

The EA/FONSI is also available for your review on the Corps Regulatory Public Notices website:

[http://www.saj.usace.army.mil/Divisions/Regulatory/publicnotices\\_Florida.htm](http://www.saj.usace.army.mil/Divisions/Regulatory/publicnotices_Florida.htm)

Any comments you may have must be submitted in writing to the letterhead address within 30 days of the date of this letter. Questions concerning the Okeechobee RV Park Lease can be submitted to Ms. Angela Dunn at the letterhead address or to [Angela.E.Dunn@usace.army.mil](mailto:Angela.E.Dunn@usace.army.mil). Ms. Dunn may also be reached by telephone at 904-232-2108.

Sincerely,

/s/

Eric P. Summa  
Chief, Environmental Branch

# Environmental Assessment and Finding of No Significant Impact

## Okeechobee RV Park Lease Moore Haven Lock and Dam

Glades County, Florida



January 2014

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**FINDING OF NO SIGNIFICANT IMPACT  
OKEECHOBEE RV PARK LEASE  
MOORE HAVEN LOCK AND DAM  
GLADES COUNTY, FLORIDA**

I have reviewed the Environmental Assessment for the proposed action. This Finding incorporates by reference all discussions and conclusions contained in the Environmental Assessment (EA) enclosed hereto. Based on information analyzed in the EA, reflecting pertinent information obtained from agencies having jurisdiction by law and/or special expertise, I conclude that the proposed action will not significantly impact the quality of the human environment and does not require an Environmental Impact Statement (EIS). Reasons for this conclusion are, in summary:

a. The proposed action involves a new lease of fee land that will be made available for commercial concession purposes for a period of 15 years. The project area is adjacent to Moore Haven Lock and Dam.

b. The lease will not affect protected species. The proposed action is in compliance with the Endangered Species Act. The EA and final Finding of No Significant Impact were provided to the U. S. Fish and Wildlife Service and the Florida Fish and Wildlife Conservation Commission.

c. The Corps of Engineers coordinated a no effect consistency determination with the State of Florida under the guidance of the Coastal Zone Management Act.

d. A Phase I HTRW assessment by the Corps is underway. Based on current information, the Corps expects that the potential risk for HTRW is low and the Phase I and Phase II EBS investigations are expected to confirm these expectations. An Environmental Condition of the Property assessment will be required to be completed by the underlying fee owner prior to the exchange of land easements.

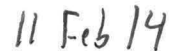
e. Consultation with the Florida State Historic Preservation Officer in accordance with the National Historic Preservation Act (NHPA) of 1966, as amended, and as part of the requirements and consultation processes contained within the NHPA implementing regulations of 36 CFR 800 has occurred. Based on the best available archeological data of the area and information collected by the Corps, pursuant to section 106 of the NHPA the Corps has determined that the proposed action will not have an effect on historic properties or other cultural resources of the area and will not affect the National Register eligibility of the Moore Haven Lock and Dam.

Furthermore, the proposed action is a minor activity that is not similar to any action normally requiring an EIS. The proposed action, leasing of Federal land for commercial concessions, is a common practice by the Corps of Engineers throughout much of the United States. There are no special circumstances that would indicate a potential for the proposed action to result in a significant impact. Pursuant to 40 CFR 1501.4(e) and 1508.13, the final FONSI will be made available to the public and agencies.



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Alan M. Dodd  
Colonel, U.S. Army  
District Commander



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Date

## **1. PROJECT PURPOSE AND NEED**

This Environmental Assessment (EA) discusses the environmental effects of entering into a new lease of fee land for commercial concession purposes for the park area adjacent to Moore Haven Lock and Dam.

### **1.1 Project Authority**

The U.S. Army Corps of Engineers Jacksonville District (Corps), by authority of Title 16, United States Code, Section 460d (16 USC § 460d), leases Federal land adjacent to Moore Haven Lock and Dam for commercial concession purposes. The most recent lease expired in October 2012. The Moore Haven Lock and Dam is a part of the Central and South Florida (C&SF) Project, specifically the Okeechobee Waterway System. 16 USC § 460d states in pertinent part:

*The Secretary of the Army is also authorized to grant leases of lands, including structures or facilities thereon, at water resource development projects for such periods, and upon such terms and for such purposes as he may deem reasonable in the public interest ...*

### **1.2 Project Location and Description**

The project site is located in the town of Moore Haven, adjacent to Moore Haven Lock and Dam on the southwest side of Lake Okeechobee in southern Florida (Figure 1 and Figure 2). Lake Okeechobee is west of West Palm Beach and east of Sarasota.

### **1.3 Decisions to be Made**

This EA evaluates the environmental impacts of entering into a new lease of fee land for commercial concession purposes for a period of 15 years to allow the project area to continue as an overnight recreational vehicle (RV) park.

### **1.4 Public Involvement**

The EA and Finding of No Significant Impact (FONSI) were coordinated with the public, including Federal, state, and local agencies and other interested stakeholders by posting the document on the Corps' Regulatory Division webpage as well as the Planning Division Environmental Document webpage. All correspondence is included as Appendix A.

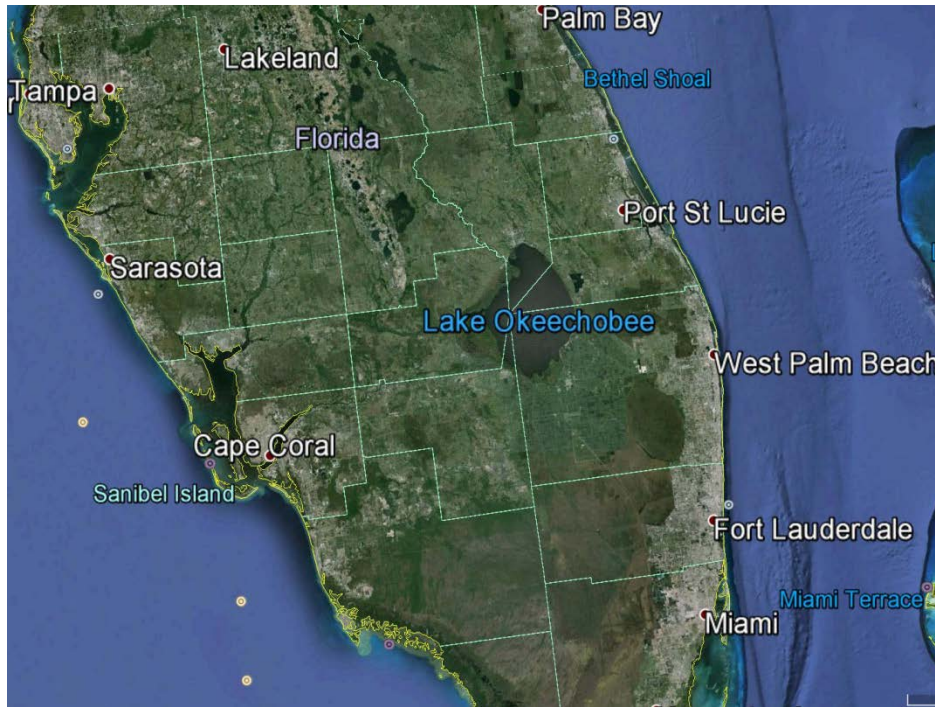


Figure 1. Location of Lake Okeechobee in southern Florida.



Figure 2. Location of RV park in proximity to Moore Haven Florida.

### 1.5 Project Area History

The project area was originally a Corps-owned recreation area (approximately 32 acres) that was closed pursuant to an Office of Management and Budget (OMB) directive for the Corps to reduce costs of operation and maintenance at its projects. Around this time, the City of Moore



Haven, Florida expressed an interest in leasing an approximate 16.5 acre area (Figure 3) for park and recreational purposes. As a result, a real estate license was issued to the City on 1 September 1982 pending finalization of the proposed lease. The lease was never finalized due to the fact the City decided it was not interested in operating the licensed area as evidenced by a third party concessionaire investing large sums of money in developing, managing, and operating the site for the City of Moore Haven. As a result of the City's lack of interest in operating the site for park and recreational purposes, it was determined to enter into a lease for commercial concession purposes with the third party concessionaire. Accordingly, a lease for commercial concession purposes was entered into on 1 November 1984. The project has been leased for commercial concession purposes since this time and the lease expired in October 2012.



Figure 3. Area subject to lease.



## **2. ALTERNATIVES**

The Okeechobee RV park was constructed in the 1980s and currently consists of an RV parking lot with electrical hookups, marina, boat ramps, fuel dock, pool, clubhouse, laundry facilities, and restrooms. The initial lease was entered into in November 1984 and expired in October 2012.

### **2.1 Description of Alternatives**

#### *2.1.1 Alternative 1: No Action Alternative*

Under the No Action Alternative, the property would not be leased for commercial concession purposes. The property would be fenced off to prevent trespassing and camping would not be allowed.

#### *2.1.2 Alternative 2: Lease of Property for Commercial Concession Purposes*

A new lease would be advertised to allow for continued commercial concessions on the project lands. A lease for commercial concession purposes has been in effect since November 1984 and expired in October 2012. The new lease would be for a period of 15 years.

### **2.2 Issues and Basis for Choice**

A new lease for the project area would allow a separate entity to continue to provide recreational access (RV and camper parking) adjacent to Moore Haven Lock and Dam. It is in the best interest of the government to allow a separate entity to manage this area and allow an opportunity for the public to use this recreational area. If a new lease is not issued, the property would be fenced off to prevent access and trespassing.

## **3. AFFECTED ENVIRONMENT**

### **3.1 General Environmental Setting**

The Okeechobee RV park is adjacent, on the northern side, to the Moore Haven Lock and Dam. The Moore Haven Lock and Dam connects Lake Okeechobee to the Caloosahatchee River (Figure 2). The Caloosahatchee River is a dark water channelized river that flows west to the Gulf of Mexico.

Historically, habitat types found within the general area included uplands, basin swamp, prairie hammock, wet flatwoods, mesic flatwoods, wet prairie, scrubby flatwoods, and floodplain marsh. The general area immediately surrounding the project area is urban with many agricultural fields. Currently, areas east and west of the project area have been subjected to residential and urban development.

The project area itself consists of highly disturbed habitat. There are a few cabbage palm trees within the RV park area, but otherwise very little vegetation is found within the confines of the RV park area to be leased. The ground is sandy and partially graveled with some grassy areas between RV hookups.

East of the Herbert Hoover Dike (HHD) and RV park area is Lake Okeechobee and the extensive freshwater marsh littoral zone. The littoral zone supports more than 50 plant species and is composed of a mosaic of emergent and submerged plant species, along with floating-leaf plants. The HHD itself is covered with mixed grasses that are mowed on a regular basis.

West of the project area is the town of Moore Haven and some agricultural land (row crops, citrus, and cattle range). In addition, a small area of private property is just west of the project area which consists of a forest of Brazilian pepper and melaleuca, two invasive exotic species.

### 3.2 Threatened and Endangered Species

Federally listed species that could potentially be in the project area include the 14 species listed in Table 1 below.

Table 1. Threatened and Endangered Species

Common Name	Scientific Name	Status
<b>Birds</b>		
Audubon's crested caracara *	<i>Polyborus plancus audubonii</i>	T
Everglade snail kite *	<i>Rostrhamus sociabilis plumbeus</i>	E, CH
Florida grasshopper sparrow	<i>Ammodramus savannarum floridanus</i>	E
Florida scrub-jay	<i>Aphelocoma coerulescens</i>	T
Ivory-billed woodpecker	<i>Campephilus principalis</i>	E
Red-cockaded woodpecker	<i>Picoides borealis</i>	E
Wood stork *	<i>Mycteria americana</i>	E
<b>Mammals</b>		
Florida manatee	<i>Trichechus manatus</i>	E
Florida panther	<i>Puma concolor coryi</i>	E
<b>Reptiles</b>		
Bluetail mole skink	<i>Eumeces egregious</i>	T
Eastern indigo snake *	<i>Drymarchon corais couperi</i>	T
Sand skink	<i>Neoseps reynoldsi</i>	T
<b>Plants</b>		
Carter's mustard	<i>Warea carteri</i>	E
Okeechobee gourd	<i>Cucurbita okeechobeensis ssp. okeechobeensis</i>	E

E: Endangered, T: Threatened, SA: Similarity of Appearance, CH: Critical Habitat

\* Species with a higher probability to be present within the project area

The project area is a highly disturbed area and has not had any documented nesting by listed species. Though caracaras are known to nest in cabbage palms, lack of foraging habitat within the immediate area would make nesting highly unlikely. Though there is a potential for the species listed in Table 1 to be within the project area, it is highly unlikely due to the unnatural, disturbed habitat. In addition, the presence of humans and vehicular traffic reduce the potential for presence of the species listed above.

### **3.3 Recreation**

The project area has been leased for commercial concessions since 1984. The area has numerous RV campsites with electrical hookups, boat ramps, pool, clubhouse, restrooms, and laundry facilities. Hunting and fishing are popular recreational sports at Lake Okeechobee. The RV park area provides additional lodging for the hunters/fishermen that have RVs and campers. Additional lodging at hotel establishments and fish camps surrounding Lake Okeechobee are also available.

### **3.4 Hazardous, Toxic, and Radioactive Waste (HTRW)**

A desktop search using the Florida Department of Environmental Protection (DEP) Map Direct program performed 4 December 2013 identified a petroleum cleanup site associated with the Moore Haven Recreational Village. RENLAMCO was the lease holder at the time the discharge was reported. The site was first identified in 1991 and is associated with commercial fuel dispensing facility when the previous lessee provided fuel to boaters. The site was listed as a result of minor spills onto the fuel dispensing area soils. This site is ranked low in priority (low risk) for cleanup efforts by the State of Florida. In addition, citrus crops were historically grown within the current lease footprint. A Phase I Environmental Baseline Survey (EBS) is underway. The Corps has performed an onsite investigation of the land proposed for the new commercial concession lease. A Phase II EBS investigation will be conducted, if funding is available, in order to clear this site off the petroleum cleanup site list. The Corps draft Phase I EBS indicates the potential risk for HTRW is low. If needed, remediation of the site will be completed. Based on available information, it is possible no remediation is necessary due to natural attenuation and a limited initial spill.

### **3.5 Cultural Resources**

Constructed from 1935 to 1937 by Spadaro Construction Company and the Edgar H. Latham Company, the Moore Haven Lock (8GL432) was engineered by the War Department in 1935 to prevent flooding during hurricanes and irrigation during droughts while allowing navigation on the Okeechobee Intracoastal Waterway which connects the Gulf of Mexico with the Atlantic Coast via the Caloosahatchee River and Lake Okeechobee. The Florida Mater Site File (FMSF) lists the Moore Haven Lock as eligible for inclusion on the National Register of Historic Places (NRHP) and it is recorded with the Historic American Engineering Record (HAER FL-18). A Memorandum of Agreement for the Maintenance Improvements at St. Lucie, Moore Haven and Ortona Lock and Dams was signed in 2001 between the Corps and the Florida SHPO.

Presently, the Moore Haven Lock is used as a lock, dam, and spillway for navigation and flood, drought, and regulatory control. The Okeechobee RV park is an overnight recreational vehicle park adjacent to the lock and was constructed between the 1970s and the 1980s.

Other than the HHD itself and the Moore Haven Lock, no historic properties have been recorded in the vicinity of the Okeechobee RV Park by the FMSF. The current Federal undertaking involves a Department of the Army lease renewal for commercial concession purposes only and does not constitute any new construction or earth moving activities that would impact the Moore Haven lock or its eligibility for inclusion on the NRHP. The new lease includes provisions for the protection of historic properties.

### **3.6 Native Americans**

Currently no portion of the project exists within or adjacent to any known Native American properties.

## **4. ENVIRONMENTAL EFFECTS**

### **4.1 General Environmental Setting**

#### *4.1.1 No Action Alternative*

The No Action Alternative would involve the closing off of the RV park area to prevent access. There would be the potential for the colonization of the area by exotic, nuisance, and/or invasive vegetation without regular maintenance of the area.

#### *4.1.2 Alternative 2: Lease of Land for Commercial Concession Purposes*

The preferred alternative proposes to advertise a new lease for the RV park area adjacent to Moore Haven Lock and Dam to allow for continued commercial concession purposes. The continued use of the project area for RV camping would not change the environmental setting from its current condition. Mowing of grassy areas and maintenance of gravel roadways would continue.

If the lessee decides to construct additional features in the project area in the future, that action would be subject to additional evaluation as required by the National Environmental Policy Act (NEPA) and other environmental and cultural resource requirements. Typically this would include consideration of any subsequent site investigations, changes in site conditions, and changes in environmental and cultural resource requirements.

### **4.2 Threatened and Endangered Species**

#### *4.2.1 No Action Alternative*

Closing off the RV park to prevent access would not have a direct effect on listed species, though without regular maintenance of the area exotic, nuisance, and/or invasive vegetation would likely take over the project area due to its disturbed, unnatural state. Exotic vegetation such as Australian pine and Brazilian pepper, both of

which are found on adjacent property, would likely invade the abandoned area. These exotic species provide little habitat value to threatened and endangered species that have the potential to occur within the vicinity of the project site.

#### *4.2.2 Alternative 2: Lease of Land for Commercial Concession Purposes*

Leasing the identified Federal property adjacent to Moore Haven Lock and Dam would not have a direct effect on listed species. The property has been in its current state since at least 1984 and does not provide nesting, loafing, or foraging habitat for listed species.

### **4.3 Recreation**

#### *4.3.1 No Action Alternative*

Under the No Action Alternative, the RV park area would remain closed and access would be prevented. Therefore, recreation would be negatively impacted due to loss of access by tourists, hunters, and fishermen that would have camped with their RVs and campers in this area.

#### *4.3.2 Alternative 2: Lease of Land for Commercial Concession Purposes*

A new lease for commercial concession purposes would allow camping to occur again at the site. As stated in Section 3.3 above, Lake Okeechobee is a popular destination for hunting and fishing. Many tourists spend much of the winter months in the towns surrounding Lake Okeechobee and this area allows for RV and camper hook up with direct access to Lake Okeechobee and the Caloosahatchee River. A new lease would provide a positive benefit to recreational resources in the Moore Haven and Lake Okeechobee area.

### **4.4 Hazardous, Toxic, and Radioactive Wastes (HTRW)**

#### *4.4.1 No Action Alternative*

As stated in Section 3.4 above, a petroleum cleanup site associated was first identified in 1991 and is associated with minor fuel spills onto site soils that occurred when a previous lessee's operation provided fuel to boaters/RV park customers. A Phase I Environmental Baseline Survey (EBS) of the Property is underway as of January 2014. The Phase I EBS will be completed prior to issuing a new lease for the property. There is a potential for a Phase II survey, but due to the State of Florida's low priority ranking (low potential for concern) of the site for petroleum cleanup, that may not occur before the property is put out for lease. The Corps draft EBS indicates the potential risk for HTRW is low. If a new lease is not executed, there is the potential for waste to accumulate on site by trespassers. Though the project area would be gated, guards would not be present to prevent unauthorized access or dumping. Due to the past history of citrus row crop activity on this site (30-40 years) it is expected that there may be low levels of legally applied residual agricultural amendments as typically found in former citrus grove lands. These low levels should not present a health hazard for a

recreational area, however if the lease holder decides to change or modify the existing recreational facilities, soil testing would be recommended.

#### 4.4.2 *Alternative 2: Lease of Land for Commercial Concession Purposes*

As stated above (Section 4.4.1), the Corps is completing both a Phase I and Phase II EBS to determine presence of HTRW on the project lands. The Corps will provide the new lessee information regarding HTRW and remediation that has been completed upon signing of the new lease. The lessee will be required to perform a Phase I Investigation prior to termination of the new lease to ensure no new HTRW concerns are onsite. Further, if the lessee proposes to install a playground, soil sampling must be completed. The results of the soil testing shall be coordinated with the USACE and the appropriate regulatory agencies prior to installation of a playground.

### 4.5 Cultural Resources

#### 4.5.1 *No Action Alternative*

As stated in Section 3.5 above, the project area does not have any known historic or cultural resources. Therefore, the No Action Alternative would have no effect on cultural resources.

#### 4.5.2 *Alternative 2: Lease of Land for Commercial Concession Purposes*

The preferred alternative involves a Department of the Army lease for commercial concession purposes and does not constitute any new construction or earth moving activities that would affect the Moore Haven Lock and Dam. Provisions in the lease will state that the "the Lessee shall not remove or disturb, or cause or permit to be removed or disturbed, any historical, archaeological, architectural or other cultural artifacts, relics, remains, or objects of antiquity. In the event such items are discovered on the premises, the Lessee shall immediately notify the District Engineer and protect the site and the material from further disturbance until the District Engineer gives clearance to proceed." Based on the best available archeological data and current information collected by the Corps, pursuant to Section 106 of the National Historic Preservation Act, the government has determined the action would not have an effect on historic properties or other cultural resources of the area. Consultation with the Florida State Historic Preservation Officer and appropriate federally recognized tribes is ongoing.

If the lessee decides to construct additional features in the project area in the future, that action would be subject to additional evaluation as required by NEPA and other environmental and cultural resource requirements. Typically this would include consideration of any subsequent site investigations, changes in site conditions, and changes in environmental and cultural resource requirements.

The Corps has determined that this project will have no effect to historic properties, will not affect the National Register eligibility of the Moore Haven Lock and does not negate the existing Memorandum of Agreement for the Maintenance Improvements at St. Lucie,



Moore Haven, and Ortona Lock and Dams signed in 2001 between the Corps and the Florida SHPO. Consultation for this undertaking was initiated on December 3, 2013, and is ongoing with the Florida SHPO.

#### **4.6 Native Americans**

As stated in Section 3.6 above, no portion of the project exists within or adjacent to any known Native American properties. Therefore, no impacts to Native Americans or tribal lands are anticipated with either the No Action Alternative or the Preferred Alternative (Alternative 2).

#### **4.7 Cumulative Effects**

Cumulative effects are defined in 40 CFR 1508.7 as those effects that result from:

*...the incremental impacts of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or nonfederal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.*

Cumulative environmental effects for the project were assessed in accordance with guidance provided by the President's Council on Environmental Quality. The Corps has determined there is no net cumulative effect as a result of leasing the identified Federal property for commercial concession purposes. If the lessee requests to modify the property under the lease, a separate NEPA document would analyze and discuss any cumulative effects that would result as part of the evaluation required (including NEPA) by the Corps' Section 408 process.

#### **4.8 Irreversible and Irretrievable Commitment of Resources**

An irreversible commitment of resources is one in which the ability to use and/or enjoy the resource is lost forever. There would be no irreversible commitment of resources resulting from the lease of Federal property.

An irretrievable commitment of resources is one in which, due to decisions to manage the resource for another purpose, opportunities to use or enjoy the resource as they presently exist are lost for a period of time. There would be no irretrievable commitment of resources resulting from the lease of Federal property.

#### **4.9 Unavoidable Adverse Environmental Effects**

The lease of Federal property discussed in this EA is not expected to result in adverse environmental impacts. If the lessee submits a permit application to modify the property, that action would be subject to additional evaluation as required by NEPA and the Corps' Section

408 process. Typically this would include consideration of any subsequent site investigations, changes in site conditions, and changes in environmental and cultural resource requirements.

#### **4.10 Compatibility with Federal, State, and Local Objectives**

The lease of Federal property for commercial concession purposes is compatible with Federal, state, and local objectives. Allowing commercial concession at the project area would increase tourism in the area by providing additional parking for RVs and campers adjacent to Moore Haven Lock and Dam, the Caloosahatchee River, and Lake Okeechobee.

#### **4.11 Conflicts and Controversy**

Conflict and controversy are not expected as a result of the lease of Federal property. This EA will be coordinated with local, state, and Federal agencies as well as interested stakeholders during a 30 day public review and comment period expected to begin January 2014. All correspondence will be included as Appendix A in the final document.

### **5. ENVIRONMENTAL COMPLIANCE AND COMMITMENTS**

#### **5.1 Environmental Commitments**

This EA discusses the effects of leasing the project area for commercial concession purposes only. If the lessee plans to construct structures or otherwise modify the project area, additional NEPA would be completed as per the Corps' Section 408 (33 U.S.C. 408) process.

#### **5.2 Environmental Compliance**

##### *5.2.1 Clean Air Act of 1972, As Amended*

This Act is not applicable. The Federal action involves only the lease of Federal lands for commercial concession purposes.

##### *5.2.2 Clean Water Act of 1972, As Amended*

This Act is not applicable. The Federal action involves only the lease of Federal lands for commercial concession purposes. Changes to land use within the project area that may impact waters of the United States would be analyzed in a separate NEPA document as per the Corps' Section 408 process.

##### *5.2.3 Coastal Barrier Resources Act and Coastal Barrier Improvement Act of 1990*

This Act is not applicable. The Federal action involves only the lease of Federal lands for commercial concession purposes and is not within a designated coastal barrier unit.

##### *5.2.4 Coastal Zone Management Act of 1972, As Amended*

The Federal action involves only a new lease of Federal lands for commercial concession purposes and would not have an effect on the State of Florida coastal zone or its resources. This action is consistent with the enforceable statutes of the State of Florida

pursuant to the Coastal Zone Management Act. Coordination with the State of Florida will occur if the lessee applies for a Section 408 permit to modify the project area.

#### *5.2.5 Endangered Species Act of 1973, As Amended*

The Federal action involves only the lease of Federal lands for commercial concession purposes. The Corps has determined the lease of project lands would not affect listed species. A letter stating the Corps' determinations was sent to the U.S. Fish and Wildlife Service with a copy of this EA. The project was coordinated under the Endangered Species Act and is in compliance. Coordination under the Endangered Species Act will be reinitiated if the lessee applies for a Section 408 permit to modify the project area.

#### *5.2.6 Estuary Protection Act of 1968*

No designated estuary would be affected by project activities. This Act is not applicable.

#### *5.2.7 Farmland Protection Policy Act of 1981*

This Act is not applicable. The Federal action involves only the lease of Federal lands for commercial concession purposes and does involve the disturbance of soils. Coordination under a separate NEPA document will be completed if the lessee applies for a Section 408 permit to modify the project area.

#### *5.2.8 Federal Water Project Recreation Act of 1965, As Amended*

The Federal action, lease of Federal lands for commercial concession purposes, would allow for continued recreation adjacent to Moore Haven Lock and Dam. The proposed project is not a new Federal water development project nor is additional land acquisition proposed. This Act is not applicable.

#### *5.2.9 Fish and Wildlife Coordination Act of 1958, As Amended*

This project has been coordinated with the U.S. Fish and Wildlife Service. Coordination under a separate NEPA document will be completed if the lessee applies for a Section 408 permit to modify the project area. The project is in compliance with this Act.

#### *5.2.10 Magnuson-Stevens Fishery Conservation and Management Act*

The project involves only the lease of Federal lands for commercial concession purposes. Therefore, this Act is not applicable.

#### *5.2.11 Marine Protection, Research, and Sanctuaries Act of 1972, As Amended*

Ocean disposal of dredged material is not proposed as a part of this project. This Act is not applicable.

#### *5.2.12 Migratory Bird Treat Act and Migratory Bird Conservation Act*

The Federal action involves only the lease of Federal lands for commercial concession purposes and would not destroy migratory birds, their active nests, their eggs, or their hatchlings. If the lessee applies for a Section 408 permit to modify the project area, a

separate NEPA document would be prepared and would discuss protection of migratory birds. The project is in compliance.

*5.2.13 National Environmental Policy Act of 1969, As Amended*

Environmental information on the project has been compiled and this EA has been prepared. The EA and proposed FONSI will be circulated for review by public notice. The project is in compliance with NEPA.

*5.2.14 National Historic Preservation Act of 1966, As Amended*

Consultation with the Florida State Historic Preservation Officer was initiated on December 3, 2013, and is ongoing in accordance with the National Historic Preservation Act (NHPA) of 1966, as amended, and as part of the requirements and consultation processes contained within the NHPA implementing regulations of 36 CFR 800. This project is also in compliance, through ongoing consultation, with the Archeological Resources Protection Act (96-95), American Indian Religious Freedom Act (PL 95-341), Executive Orders (E.O) 11593, 13007, & 13175 and the Presidential Memo of 1994 on Government to Government Relations. Consultation is ongoing with the Florida SHPO.

*5.2.15 Resource Conservation and Recovery Act, As Amended by the Hazardous and Solid Waste Amendments of 1984, Comprehensive Environmental Response Compensation and Liability Act As Amended by the 5.26.21 Superfund Amendments and Reauthorization Act of 1996, Toxic Substances Control Act of 1976*

The Federal action involves the lease of Federal property for commercial concession purposes. A Phase I Environmental Baseline Survey (EBS)/Environmental Condition of the Property is underway as of January 2014. The Corps may complete a Phase II (water and soil sampling) EBS depending on available funding. The lessee will be required to conduct and provide an Environmental Condition of the Property at their cost at the termination of the new lease to identify if there were any changes to the project area HTRW status during the lease. The project is in compliance with this Act.

*5.2.16 Rivers and Harbors Act of 1899*

The lease of Federal property would not obstruct navigable waters of the United States. The project is in compliance with this Act.

*5.2.17 Safe Drinking Water Act of 1974, As Amended*

This Act is not applicable. The Federal action involves only the lease of Federal property for commercial concession purposes.

*5.2.18 Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91-646)*

The purpose of PL 91-646 is to ensure that owners of real property to be acquired for Federal and federally assisted projects are treated fairly and consistently and that persons displaced as a direct result of such acquisition would not suffer disproportionate injuries as a result of projects designed for the benefit of the public as a whole. This project involves the lease of Federal property. Therefore, this Act is not applicable.

*5.2.19 Wild and Scenic Rivers Act of 1968, As Amended*

This Act is not applicable. The Federal action involves the lease of Federal property adjacent to Lake Okeechobee and the Caloosahatchee River. The Caloosahatchee River is not a designated Wild and Scenic River.

*5.2.20 Executive Order (E.O.) 11990, Protection of Wetlands*

The Federal action involves only the lease of Federal property. No wetlands would be affected by project activities. The project is in compliance with the goals of this E.O.

*5.2.21 E.O. 11988, Floodplain Management*

The Federal action involves the lease of Federal property for commercial concession purposes. The lease would have no adverse effects to floodplain management. The project is in compliance with the goals of this E.O.

*5.2.22 E.O. 12898, Environmental Justice*

This E.O. requires the Federal government to review the effects of their programs and actions on minorities and low-income communities. The Federal action involves the lease of Federal property for commercial concession purposes. The project is not expected to have disproportionately high and adverse human health or environmental impacts on minority or low-income populations. The project is in compliance with the intent of this E.O.

*5.2.23 E.O. 13045, Protection of Children*

This E.O. requires each Federal agency to “identify and assess environmental risks and safety risks [that] may disproportionately affect children” and ensure that its “policies, programs, activities, and standards address disproportionate risks to children that result from environmental health risks or safety risks.” The project has no environmental or safety risks that may disproportionately affect children. The project is in compliance with the intent of this E.O.

*5.2.24 E.O. 13112, Invasive Species*

The Federal action involves the lease of Federal property for commercial concession purposes. The project would not contribute to nutrient loading or disturbance that could favor invasive species. The project is in compliance with the intent of this E.O.

*5.2.25 E.O. 13186, Migratory Birds*

The Federal action involves the lease of Federal property for commercial concession purposes. If the lessee applies for a Section 408 permit to modify the project area, a separate NEPA document would be prepared and would discuss protection of migratory birds. The project is in compliance with the intent of this E.O.



## 6. LIST OF PREPARERS

The individuals involved in the preparation of this Environmental Assessment (EA) and proposed Finding of No Significant Impact (FONSI) for the lease of Federal property are listed in Table 2. In addition to the individuals listed below, this EA and proposed FONSI were reviewed by the supervisory chain of the Environmental Branch, Planning and Policy Division, as well as the Operations Division, Real Estate Division, and Office of Counsel of the U.S. Army Corps of Engineers (Corps), Jacksonville District.

Table 2. List of Preparers and Reviewers

Name	Discipline/Expertise	Agency	Role in Document
Angela Dunn	Biologist	Corps	Document Preparation
Wendy Weaver	Archeologist	Corps	Cultural & Historic Resources/Reviewer
Jim Riley	Environmental Engineer	Corps	Hazardous, Toxic, & Radioactive Wastes
Bertha Miller	Real Estate	Corps	Real Estate Lead/Reviewer
Gina Ralph	Biologist	Corps	NEPA Review

## 7. PUBLIC INVOLVEMENT

The EA and final FONSI were coordinated with the public, including tribes, Federal, state, and local agencies and other interested stakeholders through posting on the Jacksonville District Regulatory and Planning Division websites. All correspondence is included as Appendix A.

## Appendix A. Correspondence



DEPARTMENT OF THE ARMY  
JACKSONVILLE DISTRICT CORPS OF ENGINEERS  
P.O. BOX 4970  
JACKSONVILLE, FLORIDA 32232-0019

Planning and Policy Division  
Environmental Branch

10 3 DEC 2013

Mr. Robert Bendus  
Division of Historical Resources  
State Historic Preservation Officer  
500 South Bronough Street  
Tallahassee, Florida 32399-0250

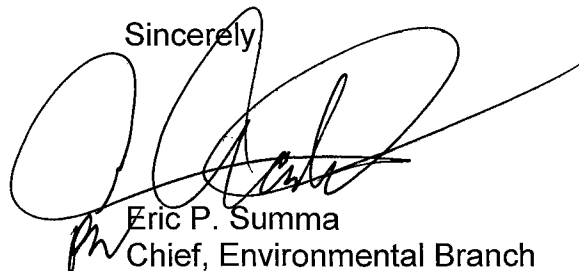
Dear Mr. Bendus:

The U.S. Army Corps of Engineers (Corps), Jacksonville District is proposing to renew the commercial lease to a private party for the Okeechobee RV park located at the Moore Haven Lock and Dam (8GL432) in Glades County, Florida (Figure 1). The Okeechobee recreational vehicle overnight park was constructed in the 1980s and consists of an RV parking lot with electrical hookups, marina, boat ramps, fuel dock, pool, clubhouse, laundry facilities and restrooms. The initial lease was entered into in November, 1984 and expired on October, 2012.

This undertaking only involves a Department of the Army lease renewal for commercial concession purposes and does not constitute any new construction or earth moving activities that would affect the Moore Haven lock and dam. Provisions in the lease state that the "The Lessee shall not remove or disturb, or cause or permit to be removed or disturbed, any historical, archaeological, architectural or other cultural artifacts, relics, remains, or objects of antiquity. In the event such items are discovered on the premises, the Lessee shall immediately notify the District Engineer and protect the site and the material from further disturbance until the District Engineer gives clearance to proceed".

The Corps has determined that this project will have no effect to historic properties, will not affect the National Register eligibility of the Moore Haven Lock and Dam and does not negate the existing Memorandum of Agreement for the Maintenance Improvements at St. Lucie, Moore Haven and Ortona Lock and Dams signed in 2001 between the Corps and the Florida SHPO. I request your concurrence on my determination. If there are any questions, please contact Ms. Wendy Weaver at 904-232-2137 or e-mail at [wendy.weaver@usace.army.mil](mailto:wendy.weaver@usace.army.mil).

Sincerely



Eric P. Summa  
Chief, Environmental Branch



Figure 1. Okeechobee RV Park at Moore Haven Lock and Dam, Glades County, FL.



## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

Mr. Eric Summa  
Planning and Policy Division  
Jacksonville Corps of Engineers  
Post Office Box 4970  
Jacksonville, Florida 32232-0019

January 10, 2014

Re: DHR Project File No.: 2013-01064/ Received: December 5, 2013  
Okeechobee RV Park at Moore Haven Lock and Dam  
County: Glades

Dear Mr. Summa,

Our office received and reviewed the project in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended and 36 CFR Part 800. The State Historic Preservation Officer is to advise and assist federal agencies when identifying historic properties (archaeological, architectural, and historical resources) listed, or eligible for listing, in the National Register of Historic Places, assessing the project's effects, and considering alternatives to avoid or minimize adverse effects.

Based on the information provided, this office concurs that the proposed project will have no adverse effect on historic or archaeological properties.

If you have any questions concerning our comments, please contact Michael Hart, Historic Sites Specialist, by phone at 850.245.6333, or by electronic mail at [Michael.Hart@dos.myflorida.com](mailto:Michael.Hart@dos.myflorida.com). Your continued interest in protecting Florida's historic properties is appreciated.

Sincerely

A handwritten signature in black ink, appearing to read "Robert F. Bendus".

Robert F. Bendus, Director  
Division of Historical Resources  
and State Historic Preservation Officer



DIVISION OF HISTORICAL RESOURCES  
R. A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250  
Telephone: 850.245.6300 • [www.flheritage.com](http://www.flheritage.com)  
*Commemorating 500 years of Florida history* • [www.VivaFlorida.org](http://www.VivaFlorida.org)







REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
JACKSONVILLE DISTRICT CORPS OF ENGINEERS  
P.O. BOX 4970  
JACKSONVILLE, FLORIDA 32232-0019

Planning and Policy Division  
Environmental Branch

FEB 12 2014

Mr. Larry Williams  
United States Fish and Wildlife Service  
South Florida Ecological Services Office  
1339 20th Street  
Vero Beach, Florida 32960

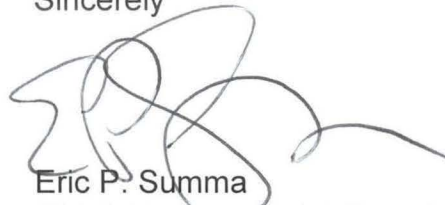
Dear Mr. Williams:

Pursuant to the National Environmental Policy Act (NEPA) and the U.S. Army Corps of Engineers (Corps) Regulation (33 CFR 230.11), this letter constitutes the Notice of Availability (NOA) of the Okeechobee RV Park Lease Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) in Glades County, Florida.

Enclosed is the EA/FONSI for the Okeechobee RV Park lease pursuant to Section 7(a) of the Endangered Species Act (ESA). Federally listed species likely to occur in the project areas include the threatened Audubon's crested caracara (*Polyborus plancus audubonii*), endangered Everglade snail kite (*Rostrhamus sociabilis plumbeus*), endangered wood stork (*Mycteria americana*), and threatened eastern indigo snake (*Drymarchon corais couperi*). The USACE has determined that no effects would occur to listed species as a result of the Okeechobee RV Park lease.

Any comments you may have on the EA and FONSI must be submitted in writing to the letterhead address within 30 days of the date of this letter. Questions concerning the Okeechobee RV Park lease can be submitted to Ms. Angela Dunn at the letterhead address or to Angela.E.Dunn@usace.army.mil. Ms. Dunn may also be reached by telephone at 904-232-2108.

Sincerely



Eric P. Summa  
Chief, Environmental Branch

Enclosure





REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
JACKSONVILLE DISTRICT CORPS OF ENGINEERS  
P.O. BOX 4970  
JACKSONVILLE, FLORIDA 32232-0019

Planning and Policy Division  
Environmental Branch

FEB 12 2014

Ms. Lauren P. Milligan  
Florida Department of Environmental Protection  
State Clearinghouse  
3900 Commonwealth Boulevard, MS 47  
Tallahassee, Florida 32399-3000

Dear Ms. Milligan:

Pursuant to the National Environmental Policy Act, enclosed for your review is a copy of the Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) for the Okeechobee RV Park in Glades County, Florida. The U.S. Army Corps of Engineers (Corps) has determined the lease would have a negative determination on the State of Florida coastal zone because no change to land use would occur due to leasing the Okeechobee RV Park.

The proposed action is consistent with the enforceable statutes of the State of Florida pursuant to the Coastal Zone Management Act (CZMA) of 1972, as amended. Coordination with the State of Florida would occur under a separate National Environmental Policy Act document if the lessee proposes to modify the leased land from its existing condition.

Any comments you may have on the EA/FONSI must be submitted in writing to the letterhead address within 30 days from the date of this letter. Any questions concerning the EA/FONSI or requests for additional copies of the report should be directed to Ms. Angela Dunn at 904-232-2108, or by e-mail at [Angela.E.Dunn@usace.army.mil](mailto:Angela.E.Dunn@usace.army.mil).

Sincerely,

A handwritten signature in black ink, appearing to read "Eric P. Summa".

Eric P. Summa  
Chief, Environmental Branch

Enclosure