

MEMORANDUM FOR RECORD

SUBJECT: Department of the Army Environmental Assessment and Statement of Finding for Permit Application SAJ-2007-05788-IP-MGH

This document constitutes the Environmental Assessment, 404(b)(1) Guidelines Evaluation, Public Interest Review and Statement of Findings.

1. Application as described in the public notices dated 17 January 2008, 12 April 2011, 04 September 2012, and supplemental information.
 - a. Applicant:

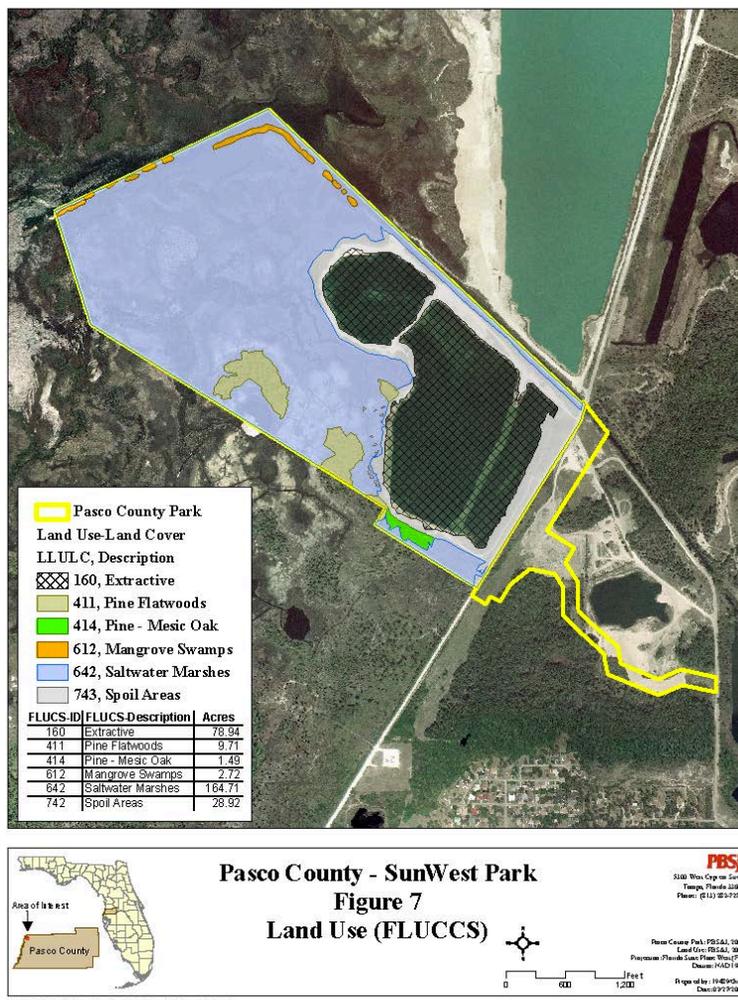
Pasco County Board of County Commissioners
7530 Little Road
New Port Richey, Florida 34654
 - b. Waterway & Location: The project is located in Fillman Bayou, the Gulf of Mexico and wetlands adjacent to the Gulf of Mexico, west of the intersection of Old Dixie Highway and Racetrack Road, in Sections 10, 11, and 14, Township 24 South, Range 16 East, near Hudson, Pasco County, Florida.
 - c. LATITUDE & LONGITUDE:

Boat Ramp:	Latitude	28.40759 North
	Longitude	-82.67024 West
County Park:	Latitude	28.4035 North
	Longitude	-82.67422 West
Werner-Boyce Park	Latitude	28.348692 North
	Longitude	-82.713374 West
Strauber Memorial	Latitude	28.218420 North
	Longitude	-82.754405 West
Anclote Dredge Hole	Latitude	28.191327 North
	Longitude	-82.793776 West
 - d. EXISTING CONDITIONS: The following provides detailed information concerning the existing conditions associated with the proposed County Park, navigational channel, and mitigation areas, as described by the Applicant utilizing submittals from 2008 - 2012.
 - i. County Park: The project site is a 286.49 acre parcel which consists of the following:

Table 1 Existing Conditions

FLUCFCS Code	Description	Acreage
160	Extractive/Mine Pits	78.94
411	Pine Flatwoods	9.71
414	Pine-Mesic Oak	1.49
612	Mangrove Swamp	2.72
642	Saltwater Marshes	164.71
742	Spoil Areas	28.92
	Total	286.49 acres

Figure 1: Existing Site Conditions



Approximately 3.85 acres of wetlands are proposed to be impacted for the construction of the beach parking area, boat ramp area and stormwater system.

- ii. Navigational Channel: Seagrass beds are located within the existing and proposed channel. There is no history or prior authorizations and no documentation that demonstrates that the 6,700 linear feet channel was previously authorized by the Corps. The 6,700 linear feet channel is about 80 to 115 feet in width at the surface and slightly less at the bottom. It averages about 9.5 feet in depth and becomes shallower as it proceeds westward. Spoil piles from the previous dredge work cover the sides of much of the existing channel. Beyond this, the area opens up into Fillman Bayou. At low tide several sand bars and limestone rocks can be observed and the water depth is less than two feet. The proposed channel alignment that runs northward is about two feet to six feet in depth with exposed limestone rocks. The shallowness and clarity of the water provide excellent visibility of the proposed new channel bottom which consists of submerged aquatic vegetation (SAV - seagrass/macroalgae).¹ According to the Applicant, detailed seagrass surveys were completed within the limits of the proposed channel alignment during the design phase of the project. Seagrass/Macroalgae percent cover and composition within the proposed impact areas have been mapped and quantified. The seagrass surveys were conducted between 2006 - 2009. The proposed channel improvements would impact approximately 28.8 acres of SAV. *It should be noted that SAV includes seagrass and macroalgae.*

The final alignment proposed by the Applicant utilized a combination of the existing historic channel (STA. 0+00 to 123+50) in conjunction with a proposed re-alignment (new dredge) section (STA 123+50 to Sta. 225+00) intended to achieve the least SAV impacts and the shortest route to deep water. The alignment proposed will result in the abandonment of 3,920 linear feet of natural deepwater area that vessels currently utilize to access the Gulf, but which terminates in a high quality SAV resource area. SAV resources in the section of the channel to be abandoned ranged from 35 to 50 visual percent cover with sediment depths greater than 6 inches. The re- alignment (new dredge) section, by comparison, passes through three zones of seagrass density containing between 10 and 40 percent visual cover. Sediment in the proposed re- alignment area is only a thin, 2 to 4 inch veneer of fine sand and shell over hard rock.

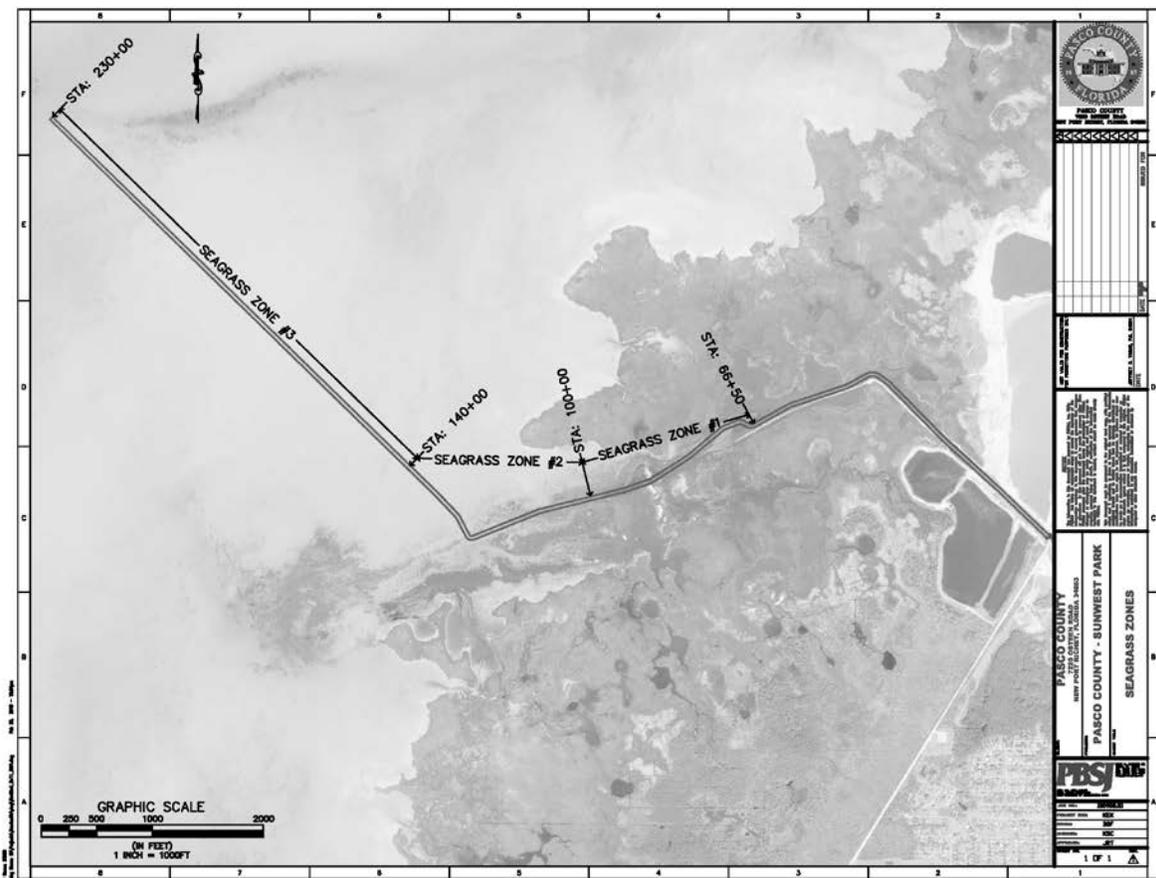
¹ 20110923 Agent Submittal, Tab 2 Cultural Resources Assessment of SunWest Park.pdf

Adequate sediment depths and composition are two of the primary limiting factors affecting the density of seagrass growth in the area.²

These zones are represented by the following distances along the proposed channel length. The zones defined as of February 2010 included: Zone 1 - Inshore zone - Sta. 100+00 to 66+50, Zone 2 - Shallow Flats - Sta. 140+00 to 100+00, and Zone 3 - Offshore Zone - Sta. 225+00 to 140+00.

The project area was reviewed for the following seagrass species: *Syringodium filiforme*, *Halophila spp.*, *Thalassia testudinum*, *Halodule wrightii*, and *Ruppia maritima*. Macroalgae was also identified during the monitoring events.

Figure 2: Proposed Navigational Channel



² 20111003 Agent Submittal (3) Attachment 2 SunWest Park-SAV Survey data.pdf

iii. Mitigation Area(s):

1. Mitigation Area A - This area is a 14.9 acre on-site mitigation area consisting of 1) a remnant spoil berm along the northern shoreline of the existing access channel. According to the Florida Land Use, Cover and Forms Classification System, the existing conditions consist of 743 (Spoil Areas). 2) An existing mine pit identified as "OSW #5"; according to Florida Land Use, Cover and Forms Classification System, the existing conditions consist of 160 (Extractive). The mitigation area is located off of Old Dixie Highway, near Hudson, in Section 11, Township 24 South, Range 16 East, Pasco County.
2. Mitigation Area B - This area is a 16.90 acre off-site parcel located within the boundaries of the Werner Boyce State Park. According to the Florida Land Use, Cover and Forms Classification System, the existing conditions consist of 743/422 (Spoil/Brazilian pepper) and 742 (Borrow area), impounded 612 (Mangrove swamp). The mitigation area is located in Section 34, Township 24 South, Range 16 East, Pasco County.
3. Mitigation Area C - This area is a 14.02 acre off-site parcel located at Pasco Palms. According to the Florida Land Use, Cover and Forms Classification System, the existing conditions consist of 422H (Brazilian pepper, hydric), 422 (Brazilian pepper), and 743 (Spoil). The mitigation area is located at 4499 Strauber Memorial Highway in Hudson, in Section 13, Township 26 South, Range 15 East, Pasco County.
4. Mitigation Area D - This area is a 43.76 acre off-site parcel located along Strauber Memorial Highway. According to the Florida Land Use, Cover and Forms Classification System, the existing conditions consist of 642 (Saltwater marsh), 541 (Embayment not opening directly into the Gulf of Mexico), and 743 (Spoil). The mitigation area is located at 4499 Strauber Memorial Highway in Hudson, in Section 13, Township 26 South, Range 15 East, Pasco County.
5. Mitigation Area E - This area is a 15.29 acre off-site dredge hole. According to the Florida Land Use, Cover and Forms Classification System, the existing conditions consist of 572 (sand bottom), with 9112 (dense seagrass beds) surrounding the dredge hole. The mitigation area is located adjacent to and waterward of the Florida Power Corporation of Florida Government Lot 2, Section 27, Township 26 South, Range 15 East, Pasco County.

- e. PROPOSED WORK: On 17 January 2008, a public notice was published. The public notice stated that the proposed county park would be constructed on 120 acres of disturbed mined lands. The park would be immediately adjacent to the proposed SunWest Harbourtowne development, which was circulated on a separate public notice under Department of the Army (DA) permit application number SAJ-2006-5871-IP-MFN. Access to the Gulf of Mexico for the proposed SunWest Park would be via an existing marked and maintained channel which would be improved as indicated below. The county park would provide parking and trailer spaces for approximately 250 boats. No permanent in-water mooring or dockage of vessels was proposed. The county park channel was also proposed to provide Gulf access for the SunWest Harbourtowne development for up to 40 boats per day. Plans for the county park involve new dredging, maintenance dredging, construction of an upland cut boat basin with travel lift access point (for the proposed SunWest Harbourtowne development), wetland fill for certain park components, and a public boat ramp. Other park amenities to be constructed on the uplands include recreational trails and infrastructure for a retail center. The Applicant would maintenance dredge approximately 34,285 cubic yards from the existing canal in an area 6,700' long by 80' wide -5.15' NGVD deep; conduct new dredging totaling 104,715 cubic yards in an area 16,300' long by 80' wide by -5.15' NGVD deep; construct an upland cut boat basin for vessel staging with travel lift access; and construct a 7-lane boat ramp with associated access docks. As originally proposed, project impacts included channel dredging impacts to approximately 3.6 acres of seagrasses and 8.2 acres of macroalgae; wetland filling for parking and road right of way improvements impacting approximately 4.27 acres of sawgrass wetlands; and the boat ramp impacts of approximately 0.045 acres of canal edge fill. The Applicant requested a 10-year permit. The seagrass impact acreage was provided by the Applicant and not independently verified by the Corps.

To compensate for project-related seagrass impacts, the Applicant proposed to restore, replant, and reconnect an existing 14.5 acre mine pit to adjacent tidal waters. A 1.4 acre portion of the existing deep mine pit would be filled, using channel dredged material to -2' to -4' NGVD, and planted with a mixture of seagrasses and macroalgae. The Applicant would create two (2) hydrologic connections to the former mining pit to allow tidal flow to the seagrass planting areas and to open the area to the adjoining fishery. To compensate for wetland impacts associated with the project, the Applicant proposed to enhance 1.0 acre of wetlands just outside the western edge of the borrow pit by planting black needlerush, and by creating 1.0 acre of high marsh area, via upland scrape down and replanting with wetland vegetation, along the inside western edge of the borrow pit.

- f. **PROJECT CHANGES:** As the administrative record (AR) indicates, numerous meetings were conducted and revised mitigation plans were submitted during the time period from the 17 January 2008 public notice until 08 February 2011. A meeting was held on 08 February 2011 between the US Army Corps of Engineers (Corps), National Marine Fisheries Service (NMFS) and the Applicant's agent. At the meeting, the Federal agencies were informed that the October 2010 Mitigation Plan and the supplemental information provided later on 14 February 2011 constituted the Applicant's Final Mitigation Plan. The agencies were also informed that the proposed mitigation included those areas identified in the October 2010 submittal and the addition of the "Anclote dredge hole." As a result of the changes to the Applicant's Final Mitigation Plan, a second public notice was published on 12 April 2011. The impact acreages associated with the second public notice were provided by the Applicant's agent and were not independently verified by the Corps prior to the public notice issuance. They were subsequently determined by the Corps to be inaccurate and provided partial justification for issuance of the third public notice for the proposed project. A third public notice was published on 04 September 2012 to advertise the changes to the project to construct SunWest Park and to clarify the AR on the proposed seagrass impacts since the previous public notices dated 17 January 2008 and 12 April 2011.

Table 2 Project Changes

<i>Public Notice</i>	<i>Wetland Impact (acreage)</i>	<i>SAV Impact (acreage)</i>	<i>Channel</i>	<i>Cubic yard of dredge</i>	<i>Proposed Mitigation</i>
17 January 2008	4.27 acres	11.8 acres total SAV impacts (3.6 acres of seagrasses; 8.2 acres of macroalgae)	6.700' long by 80' wide -5.15' NGVD; 16,300' long by 80' wide by 5.15'NGVD	34,285; 104,715	-Restore, replant and reconnect an existing 14.5 acre mine pit -Create 1.4 acre of seagrass mitigation in the mine pit -Create two (2) hydrologic connections to the former mine pit. -Enhance 1.0 acres onsite wetlands and create 1.0 acre of marsh along the western edge of the borrow pit
12 April 2011	Discharge fill material into 4.27 acres; Discharge fill material	11.8 (3.6 acres of seagrasses; 8.2 acres of macroalgae)	6.700' long by 80' wide -5.15' NGVD; 16,300' long by 80'	34,285; 104,715	-Restore, replant and reconnect an existing 14.5 acre mine pit -Create 1.4 acre of seagrass mitigation in the mine pit -Create two (2) hydrologic connections to the former mine

	<i>into 0.045 acres for the construction of the boat ramp</i>		<i>wide by 5.15'NGVD</i>		<i>pit. -Wetland impacts; enhance 1.0 acres onsite and create 1.0 acre of marsh along the western edge of the borrow pit -Creation of 6.04 acres of saltwater marsh -Enhancement of 1.5 acres of saltwater marsh -creation of 0.79 acres of freshwater marsh -Enhancement of 1.41 acres of mangrove swamp -Creation and enhancement of 29.24 acres of seagrass habitat -Creation of 2.18 acres of saltwater marsh -Enhancement of 12.5 acres of mangrove swamp -Enhancement of 46.32 acres of saltwater marsh -Enhancement of 6.86 acres of subtidal habitat -Fill a 15.29 acre dredge hole to create SAV habitat -Fill a 1.23 acre dredge hole to create SAV habitat</i>
<i>04 September 2012</i>	<i>Discharge fill material into 3.85;Installation of 200 cubic yards of riprap for Mitigation Area A-4</i>	<i>26.80 acres; 2.0 acres overdredging activities;0.88 acres associated with access to Mitigation Area (Anclote Dredge Hole)</i>	<i>6,700 long by no more than 80' wide by - 5.15'NGVD with a 60'channel bottom width; 15,850' long by no more than 80' wide by -5.15' NGVD with a 60' wide channel bottom width</i>	<i>30,236, 100,044</i>	<i>-Create 6.19 acres of freshwater wetlands to compensate for the 3.85 acres of wetland impacts -Provide 29.23 acres of in-kind mitigation for SAV impacts -Provide 69.4 acres of out-of-kind mitigation for SAV impacts -Establish four (4) Seagrass Protection Zones totaling 992 acres -The public notice identified each mitigation area and introduced the phasing component of mitigation as authorized under the FDEP permit.</i>

A third public notice dated 04 September 2012, included the following changes to the proposed project since the Public Notices dated 17 January 2008 and 12 April 2011 were identified: (1) The impacts to submerged aquatic vegetation (SAV) have increased from 11.8 acres, consisting of 3.6 acres of seagrasses and 8.2 acres of macroalgae, to a total of 26.80 acres of submerged aquatic vegetation for the dredging of the SunWest Park navigational channel. According to the Applicant, there have been no changes to the channel design. The increase in submerged aquatic vegetation is a result of negotiations between the Applicant and Florida Department of Environmental Protection (FDEP) that all seagrass zones, regardless of density would constitute impacts to seagrass habitat. The Applicant calculated this figure by utilizing the entire channel width and length for each of the seagrass zones. In addition, according to NMFS letter dated 29 January 2013, leaf density is one of many factors used to determine the ecological values and services of a seagrass bed. For example, the plant structure of a *Halodule* bed will generally have a more dense leaf canopy than a *Thalassia* or a mixed bed composed of both species. Alternatively, one seagrass bed may have a more patchy appearance than another. In addition, leaf blade lengths may be different in one *Thalassia* bed than in another, which may give the appearance one bed is denser. NMFS stated that information in published literature and consultations with Dr. Mark Fonseca suggest although a seagrass bed may appear to be less dense or patchier than another, it does not necessarily mean the bed is providing less ecological services than an SAV bed that appears more dense. Following site visits of the subject area with the Applicant and NMFS and review of the Applicant's methodology for the original seagrass impact acres, the Corps opines that although SAV densities vary throughout the proposed dredge area, the coverage of SAV is consistently uniform within each zone. Therefore, the Corps accepted the impact acres as identified by the Applicant for the FDEP permit. (2) In addition, the Applicant anticipated that an additional 2.0 acres of SAV/seagrass habitat may be impacted due to unavoidable over-dredging activities. The Applicant's agent stated that the over-dredging would be necessary due to the Applicant's agent experience and knowledge on a previously DA authorized dredge project that resulted in over-dredging of areas not authorized by the permit.

The SunWest Park navigational channel bottom width has been reduced from a 65' wide bottom width channel to a 60' wide bottom width channel. The volume of dredge material has been reduced from 34,285 cubic yards to 30,236 cubic yards from the existing canal in an area 6,700' long by not more than 80' wide by -5.15' NGVD; 104,715 cubic yards to 100,044 cubic yards in an area 15,850' long by no more than 80' wide by -5.15' NGVD. The linear footage for the new dredging area has been reduced from 16,300' long to 15,850' long. Dredging activities will end at STA 225+50 for a total length of 22,550 linear feet. However, the entrance channel will be marked at STA

230+00. Therefore, the total length of the navigational channel will be 23,000 linear feet.

The previous Public Notices and drawings included a proposed travel lift structure which was associated with the proposed SunWest Harbourtowne development (SAJ-2006-05871). The Applicant removed the structure from its proposed project but not the proposed dredging of an upland cut boat basin associated with the travel lift structure. The reasonably foreseeable impacts of the travel lift on the manatee, smalltooth sawfish and swimming turtles are addressed within the scope of the Section 7 consultation with the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service, Protected Resources Division (NMFS/PRD) action. Both the travel lift, and SunWest Harbourtowne project are considered reasonably foreseeable actions within the Corps' cumulative effect analysis. No changes have been made to the proposed utilization of the travel lift by 40 boats per day from the SunWest Harbourtowne into the SunWest Park navigational channel.

Since the publication of the third public notice, the project has changed by eliminating the proposed four (4) Seagrass Protection Zones (SPZs) totaling 992 acres. The SPZs were submitted by the Applicant as proposed mitigation subsequent to submittal of the October 2010 Mitigation Plan following the Corps and NMFS determination that the proposed mitigation was insufficient. As discussed in the 31 January 2013 letter, the Corps informed the Applicant that the proposed SPZ exhibited minimal prop scarring and little potential for ecological lift. The Corps acknowledged in the past that SPZs have been accepted in the Jacksonville District primarily to offset secondary impacts and associated with dredging of existing channels. SPZs are difficult to enforce and protect in perpetuity as required by Regulatory Guidance Letter 02-02, 33 CFR 320.4 (r)(ii)(2), and 33 CFR Part 332 (the Compensatory Mitigation Rule). In addition, this form of compensatory mitigation to offset impacts was not a practice used within other Corps Districts. As such, the Corps is unable to accept the proposed SPZ as compensatory mitigation for direct seagrass impacts associated with the project.

- g. Project, Currently Proposed: The Applicant proposes to impact approximately 3.85 acres of jurisdictional wetlands to construct a county park that involves new dredging, maintenance dredging, and wetland fill for certain park components including mitigation. The proposed work consists of the following:
- o public boat ramp with seven lanes
 - o three 408 square foot accessory docks
 - o replacement of two existing culverts underneath a berm on the north side of the boat ramp

- 2,700 square foot marginal dock that will provide approximately ten (10) temporary mooring slips for the boat ramp
- three stairways to provide access from uplands to the marginal dock
- floating kayak/canoe dock
- two pedestrian bridges and an observation pier within an existing mine pit
- manatee observation tower
- public swimming beach along the shoreline of an existing mine pit
- approximately 8,000 linear feet of crushed shell hiking trails
- restrooms and picnic tables
- parking lot that will provide 219 parking spaces for vehicles and 250 parking spaces for vehicles with trailers
- surface water management system comprised of a wet detention pond system to treat stormwater runoff from 13.32 acres of impervious surfaces within the park

In addition, the Applicant proposes to maintenance dredge approximately 30,236 cubic yards from the existing canal; dredge a new boat basin associated with the SunWest Harbortowne travel lift in a channel area 6,700' long by not more than 80' wide by -5.15' NGVD with a 60' wide bottom width channel; and dredge a new channel totaling 100,044 cubic yards in an area 15,850' long by no more than 80' wide by -5.15' NGVD with a 60' wide bottom channel width. The Applicant's proposed dredging would result in impacting 26.80 acres of submerged aquatic vegetation. The Applicant also proposes up to an additional 2.0 acres of submerged aquatic vegetation impacts due to unavoidable over-dredging activities.

The Applicant proposes to conduct the following compensatory mitigation for impacts to wetlands and submerged aquatic vegetation (SAV) in three (3) phases: The Applicant proposes to create 6.19 acres of freshwater wetlands to compensate for the 3.85 acres of wetland impacts. In addition, the Applicant proposes to provide a total of 106.45 acres of mitigation consisting of 29.23 acres of in-kind mitigation and 77.22 acres of out-of kind mitigation to compensate for the 28.8 acres of submerged aquatic vegetation impacts. The Applicant proposes temporary impacts to 0.88 acres of submerged aquatic vegetation in order to access two (2) off-site mitigation locations (Mitigation B and E). In addition, the Applicant proposes approximately, 200 cubic yards of riprap for Mitigation A-4 for the construction of two (2) hydrological connections at Mitigation A-4. In summary, the following mitigation is proposed:

Mitigation A - 14.9 acres – on-site SunWest Park
Mitigation B - 16.90 acres – off-site Werner Boyce State Park
Mitigation C - 15.6 acres – off-site Pasco Palms

Mitigation D - 43.76 acres - off-site Strauber Memorial
Mitigation E -15.29 acres - off-site Anclote Dredge Hole

2. PROJECT PURPOSE:

Applicant's stated purpose and need according to the 18 March 2013

Revised Alternative Analysis: "Basic project purpose: County Boat Access Park. Overall project purpose: To provide a Pasco County boater access park to allow for public use and enjoyment of Pasco County's coastal lands including recreational vessel access to the Gulf of Mexico, swimming, picnicking, environmental education opportunities, nature trails, and other common park amenities."

Basic purpose is the fundamental, essential or irreducible purpose of the proposed project and is used to determine water dependency (40 CFR 230.10(a) (3)). The Corps has determined that the basic purpose of the proposed project is to construct a boat access point and to construct a county park.

Water dependency [40 CFR 230.10(a) (3)]: Because the county park element of the basic project proposed does not require siting within a water of the U.S., the proposed discharges associated with the county park are not water dependent. The project proposes to impact 3.78 acres of jurisdictional wetlands for the construction of parking associated with the proposed public recreation area (Beach Access) and 0.017 acres of impact for the construction of a surface water management system, which are both components of the proposed basic project purpose "County Park". The Corps determined that the basic project purpose is not water dependent and, therefore, the presumptions in the 404(b)(1) Guidelines apply to the determination of least environmental damaging practicable alternative (LEDPA).

The proposed project also contains the construction of a seven-lane public boat ramp with three (3) 408 square foot accessory docks, construct a floating kayak/canoe dock, construct a 2,700 square foot marginal dock that will provide approximately ten (10) temporary mooring slips for the public boat ramp and dredging approximately 130,280 cubic yards of material. The Corps has determined that these activities associated with the overall project purpose are water dependent.

Overall Project Purpose [40 CFR 230.10(a)]: The Corps believes that the Applicant's stated purpose and need unduly limited the range of alternatives that could potentially be evaluated; therefore, the Corps has redefined the overall project purpose as stated below:

The overall project purpose is to construct a county park within Pasco County, Florida in order to provide recreational opportunities including boat access to the Gulf of Mexico.

The Corps' independent analysis of the project purpose and need utilized information presented by the Applicant. The Applicant provided a discussion of project need, identification of the need for additional boat access parks in Pasco County, Pasco County Boat Registration, indicating boat launch use by large trailered boats, data regarding the design boat for the SunWest Channel, channel design by PBS&J, other design features (i.e., number of boat ramp lanes, trailer parking spaces, and other vehicle parking), and public survey on projected use of SunWest Channel by large trailered boats. This information can be found in the document entitled "Pasco County SunWest Park, Alternatives Analysis, Revised March 2013".

The Applicant indicated that the 2001 Parks and Recreation Master Plan determined that the County has an immediate need for additional boating access for large trailerable boats and determined that based on Florida State Law for trailering, registered vessel data, a boating study, and a recent public survey of large boat owners, that boats with up to a ten (10) foot beam will use the proposed boat ramp at SunWest Park. The Corps independently reviewed the 2001 Parks and Recreation Master Plan (2001 Master Plan). Accordingly, the plan states that the West Planning Area (WPA) has an existing supply of two (2) boat access parks. The 2001 Master Plan uses a guideline of one boat access park per 100,000 residents to determine that the County will need to build an additional 2 boat access parks by 2010. The 2001 Master Plan indicates that the general location of future boat access parks have not been specifically identified because the location and siting of future boat access parks is difficult due to the need for coastal or deep channel access and the limited supply and high cost of these properties. The 2001 Master Plan states that the County should strive to space these new boat access parks along the Pasco County coastline to provide uniform coverage of the coast.³ The 2001 Master Plan does not identify the need for a boat access park; however, it does not indicate the size of vessel to achieve this type of facility. The 2001 Master Plan provides a cost summary for a new park development and estimated the cost for a 5 lane boat ramp, docks, rip rap and retaining wall, 100 parking spaces, restroom building, playground, picnic pavilion, picnic shelters and utility service to cost approximately \$830,000.⁴

3. Authority. Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403). Section 404 of the Clean Water Act (33 U.S.C. §1344). Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413). Discharge of fill material into jurisdictional wetlands associated with construction of the county park and dredging of the proposed navigational channel cannot be performed unless authorized by a Department of the Army Permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403).

³ Pasco County Parks and Recreation Master Plan, Wade-Trim, Inc., April 2001, pg 4-8.

⁴ Pasco County Parks and Recreation Master Plan, Wade-Trim, Inc., April 2001, pg 6-3.

4. Scope of Analysis.

a. National Environmental Policy Act.

(1) Scope of Action Factors.

- i. *Whether or not the regulated activity comprises "merely a link" in a corridor type project.* The proposed project is not a corridor type project; therefore, this factor does not apply.
- ii. *Whether there are aspects of the upland facility in the immediate vicinity of the regulated activity which affect the location and configuration of the regulated activity.* The County Park facilities that are proposed to be located in the uplands affect the location and configuration of the boat ramp, the parking, and the surface water management system, all of which are proposed to be constructed by discharging fill material into waters of the United States. Other upland facilities could potentially be minimized to avoid the discharge of fill. The Corps has determined that the NEPA scope of analysis will be the entire project boundary, including uplands.
- iii. *The extent to which the entire project will be within the Corps jurisdiction.* Given that a component of the proposed project is to dredge in navigable waters of the U.S. and to fill waters of the U.S. for the construction of the County Park, the permit area includes the entire extent of the existing and proposed channel, dredge disposal sites and the areas and resources within the vicinity of the channel and proposed park boundaries; these areas are determined to be the scope of the analysis.
- iv. *The extent of cumulative Federal control and responsibility.* The entire project site, project channel footprint and mitigation areas are located in waters of the United States and are within Corps control and responsibility. In addition, to the Corps jurisdiction, the authority of NMFS under Section 7 of the Endangered Species Act and Magnuson-Stevens Fishery Conservation and Management Act, USFWS under Section 7 of the Endangered Species Act, and United States Coast Guard (USCG) for navigational channel markers.

(2) Determined scope of action. Only within the footprint of the regulated activity within the delineated water. Over entire property. Based on the Applicant's original proposal as detailed in the 17 January 2008 and 04 April 2011 public notices to construct a travel lift and to dredge an upland cut boat basin to service only the private residents of the proposed adjacent SunWest Harbourtowne and not the public users of the proposed SunWest County Park, the Corps inquired as to the independent utility of the two proposed projects. Connected actions should be discussed in the same NEPA analysis. Connected

actions include those that “cannot or will not proceed unless other actions are taken previously or simultaneously” or “are interdependent parts of a larger action and depend on the larger action for their justification.” 40 C.F.R. 1508.25(a)(1). The Applicant indicated that the channel is shared in ownership by SunWest Acquisitions, Inc. and the County. The Applicant alleges that the proposed project is independent of the SunWest Harbourtowne Development of Regional Impact (DRI) because, although the channel would make the SunWest Harbourtowne more marketable, it is not the project's only amenity and the project is not contingent on the channel or the county park.⁵ In addition, the SunWest Harbourtowne applicant stated that it has an approved DRI that has independent utility of SunWest Park.⁶ The Applicant stated that the proposed County Park and SunWest Harbourtowne have always been two independent projects. The Applicant states that the two projects do not share "one owner/developer or partnership or other association of owners/developers" and each project would move forward regardless of, and is not reliant on, the approval of the other.⁷ However, there is documentation in the record indicating that the proposed SunWest Harbourtowne is advertised and planned on the basis of provided access to the Gulf of Mexico through the travel lift, upland cut boat basin, and proposed in the SunWest County Park project.⁸ The Applicant has indicated that it will assume full responsibility for the management and operation of the channel and park. The Applicant did intend to include the public boat ramp, the channel and the SunWest Harbourtowne boat travel lift in the application.⁹ The Applicant continues to assert that the two projects have independent utility. The Corps determined that the Applicant had not demonstrated a need for the travel lift and upland cut boat basin because it would only serve the private residents and visitors of the proposed SunWest Harbourtowne and not the public users of the SunWest County Park. Although the Applicant has removed the travel lift structure from project drawings, it has not removed the proposed dredging for the upland cut boat basin from the proposed project. Therefore, the Corps cannot determine that the proposed SunWest County Park and SunWest Harbourtowne projects have independent utility. Thus, were in the Corps’ review of the SunWest County Park application to indicate possible issuance of a permit application, then the SunWest Harbourtowne project should be considered a connected action within the scope of the NEPA scope of action. . However, because the Corps has determined that the proposed SunWest County Park project does not comply with the Clean Water Act Section 404(b)(1) Guidelines and is contrary to the public interest as outlined below and, therefore, the Corps’ decision is to deny the application, the Corps has not expanded the NEPA scope of action to include SunWest Harbourtowne as a connected action for the purpose of this analysis. Both the travel lift, associated upland cut boat basin and the SunWest Harbourtowne project are considered reasonably foreseeable future actions within the scope of the cumulative impacts analysis.

⁵ 20100603 County Response_Corps RAI.pdf

⁶ 20100617 Carpenter_SunWest Harbourtowne.pdf

⁷ 20110923 Agent Submittal (1) cover letter.pdf, p. 32

⁸ See 00000000 Alternatives Analysis – DRI; 20070323 Application; 20070328 SunWest Harbourtowne ERP application; 20070502 DRI information; 20070509 Project Information; 20070910 Response to RAI; 20071102 DRI information;

⁹ 20100701 County response independent.pdf

b. National Historic Preservation Act "Permit Area".

(1) Tests. Activities outside the waters of the United States are/are not included because all of the following tests are/are not satisfied: Such activity would/would not occur but for the authorization of the work or structures within the waters of the United States; Such activity is/is not integrally related to the work or structures to be authorized within waters of the United States (or, conversely, the work or structures to be authorized must be essential to the completeness of the overall project or program); and Such activity is/is not directly associated (first order impact) with the work or structures to be authorized. The portion of the County Park providing boat access is the key component of the proposed project and therefore, the wetland and upland impacts would not occur if this were not the key component of the project.

(2) Determined scope. Regarding compliance with the National Historic Preservation Act ("NHPA"), the scope of analysis on historic property resources shall replicate the NEPA scope of analysis defined as the permit area for purposes of Section 106 of the NHPA. The permit area for this undertaking includes all waters of the U.S. proposed for impact and all upland areas within the project boundary. The Corps is in receipt of the 24 March 2009 letter from the Florida Department of State, Division of Historical Resources (FDSDHR).

SHPO reviewed the January 2009, Post Buckley Schuh and Jernigan, Inc. (PBS&J) archaeological and historical survey of the proposed SunWest Park and channel on behalf of Pasco County and the SunWest Acquisition Corporation. PBS&J identified one historic channel within the project area. PBS&J found that the Belcher Mine Channel (8PA2657) does not appear to meet minimum criteria for listing on the National Register of Historic Places (NRHP) based on lack of significant historical associations.

SHPO provided a concurrence of "no effect" on cultural resources listed or eligible for listing, in the NRHP, or otherwise of historical, archaeological, or architectural value.

c. Endangered Species Act "Action Area".

(1) Action area means all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action.

(2) Determined scope. The regulation used to establish the ESA scope of analysis or "action area" is at 50 CFR Part 402. The ESA review included informal consultation with the U.S. Fish and Wildlife Service (Service) regarding the wood stork, eastern indigo snake, Florida scrub-jay, piping plover and Florida manatee. The action area included areas both in and immediately adjacent to waters of the U.S., and in upland areas substantially removed from waters of the U.S., in part because the species utilize wetland and upland areas interchangeably. USFWS received two (2) letters from the Corps requesting concurrence with the Corps' effects determinations for two (2) related projects, SunWest County Park - SAJ-2007-0578 and SunWest Harbourtowne - SAJ-2006-05871.

Because the projects are interrelated as reflected in the public notices for each project, USFWS combined the review into one and provided one concurrence letter for the two (2) projects. According to the USFWS 11 August 2009 concurrence letter, USFWS determined the action area for the manatee consultation to be all water accessible to manatees and motorized vessels within a five-mile radius of a point starting at the eastern end of the existing canal adjacent to the proposed SunWest Park and SunWest Harbourtowne. On the Gulf shoreline, this extends from Hudson to just south of Hernando Beach in Hernando County. It also includes the channel starting at the SunWest Park boat ramps and the SunWest Harbourtowne boat lift basin and extends through the 4.4 mile channel proposed for dredging and into the Gulf of Mexico for an additional 0.6 miles. USFWS consider the action area for the wood stork, the Eastern Indigo snake, the Florida scrub-jay and the piping plover are the project sites which includes the project footprint and the areas immediately adjacent to the footprint.

Additional information was requested on 24 and 25 January 2008, 13 February 2008, 01 April 2008, 22 May 2008, 10 September 2008, 14 November 2008, 23 December 2008, 23 January 2009, 06 July 2009, 21 July 2009, and 27 July 2009. Additional information was provided 12 June 2009. On 03 August 2009, USFWS had received sufficient information to begin consultation on the projects.

USFWS description of proposed actions included the construction of a boat travel lift from a proposed 150 boat wet slip marina in an interconnected system of lakes to a canal that leads to the Gulf of Mexico. The proposed marina would be located in a former mining borrow pit associated with the Belcher Rock Mine that is isolated from jurisdictional waters of the U.S. A boat storage facility for 350 boats is proposed for the SunWest Harbourtowne. Boats from the marina and/or dry storage facility could use the lake system or access the Gulf of Mexico via the proposed travel lift. The proposed maximum use of the travel lift would be 45 boats per day.¹⁰

The Corps considers the travel lift as a reasonable foreseeable action; therefore it should be included in the cumulative impacts analysis.

In addition, the ESA review included informal consultation with the National Marine Fisheries Service, Protected Resources Division regarding the smalltooth sawfish and five (5) species of swimming sea turtles (loggerhead, green, Kemp's ridley, hawksbill, and leatherback). The action area included areas in waters of the U.S., in part because the species utilize Fillman Bayou and the Gulf of Mexico. There is no designated critical habitat in or near the project area.

¹⁰ 20090811 USFWS letter.pdf

5. Public notice comments.

a. (NA) The public also provided comments at public hearing, public meeting, and/or Public notice comments were received and discussed below.

Comments received in response to the public notice issued on 17 January 2008 for 30-day comment period are summarized in Table 3 below. By letter dated 28 January 2008, National Marine Fisheries Service (NMFS) requested a public notice extension. By letter dated 07 February 2008, Corps extended the public notice comment period for NMFS until 18 March 2008. By letter dated 14 February 2008, the U.S. Environmental Protection Agency (USEPA) requested a public notice extension. By letter dated 19 February 2008, the Corps extended the public notice comment period for USEPA until 17 March 2008.

A second public notice was issued on 12 April 2011 for 15-day comment period. Comments received in response to the public notice are summarized in Table 4 below. By letter dated 19 April 2011, NMFS requested a public notice extension. By letter dated 19 April 2011, Corps extended the public notice comment period for NMFS until 12 May 2011.

A third public notice was issued on 04 September 2012 for 15-day comment period. Comments received in response to the public notice are summarized in Table 5 below.

Table 3: 17 January 2008 Public Notice Comments

Name & Date	Issue
FEDERAL AGENCIES	
U.S. Environmental Protection Agency (USEPA), 17 March 2008	<ul style="list-style-type: none"> -Conducted a site visit on 13 September 2007 and identified varying densities of mixed submerged aquatic vegetation (SAV). -SAV provides a valuable nursery resource and forage area for finfish and shellfish as well as other marine, aquatic and estuarine species. - the area is an aquatic resource of national importance (ARNI) -The Applicant has provided insufficient information to demonstrate that this project won't cause or contribute to significant degradation of waters of the U.S. -Concerned that dredging of SAV will directly affect valuable fishery habitat and the proposed mitigation is inadequate to compensate for the proposed losses. -Mitigation location is relatively isolated from the surrounding area and does not adequately compensate for the functions and values of the resources that will be affected by the proposed project. -Recommend the following <ul style="list-style-type: none"> -Modify the plans to provide SAV avoidance and minimization by modifying and reducing the proposed channel width and depth configurations to either completely avoid these resources or reduce the size and scope of the impacts. -Detailed mitigation plan with success criteria and contingency plan that fully compensates for the project impacts. In addition to SAV mitigation,

	<p>should include additional compensation for the emergent marsh that will be impacted by the proposed project.</p> <ul style="list-style-type: none"> -Compensatory mitigation should address temporal loss, risk of failure and provide for adequate in-kind replacement of lost functions. Conservation easements should be required to ensure that all mitigation areas, including all preservation areas, will be maintained and preserved in perpetuity. -Mitigation plan should provide a contingency plan which provides alternative functional replacement in the event that the originally proposed mitigation does not succeed.
U.S. Fish and Wildlife Service (USFWS), 11 August 2009	<ul style="list-style-type: none"> -USFWS combined their response for the two projects SunWest Park (SAJ-2007-05788) and SunWest Harbourtowne (SAJ-2006-05871) -Provided concurrence for ESA issues. See Endangered Species Act, Section 7 (b) of this document.
National Marine Fisheries Service, Habitat Conservation Division(NMFS/HCD), 17 March 2008	<ul style="list-style-type: none"> -Site visit conducted on 13 September 2007 found varying densities of mixed submerged aquatic vegetation (SAV) within portions of the unimproved boat channel proposed for dredging. -The proposed adjacent residential development (SunWest Harbourtowne - SAJ-2006-05871) would not have direct impacts on the aquatic habitats in the project area -Significant secondary SAV impacts in Fillman Bayou could occur from the planned increase of approximately 500 boats. -Aquatic Resources of national importance (ARNI), in accordance with Part IV, Section 3(a) of the MOA between the Departments of Commerce and Army regarding Section 404(q) of the Clean Water Act. -Believes that the long distance (1.3 miles) and the limited access between the SAV mitigation site and the impact areas, as well as the acreage of expected SAV impacts, that the proposed mitigation measures are ecologically inadequate to compensate for adverse impacts to EFH and associated living marine resources. -NMFS provided three (3) EFH Conservation recommendations -Dredging of SAV and filling of tidal wetland habitats associated with park construction shall not be authorized. -Detailed mitigation plan with success criteria and contingency plan should be developed and incorporated into the permit. -Permit application SAJ-2006-05871 - SunWest Acquisitions should be held in abeyance until DA authorization is granted for Pasco County's SunWest Park project.
National Marine Fisheries Service, Protected Resources Division, (NMFS/PRD), 14 March 2008	<ul style="list-style-type: none"> -Request for Section 7 consultation -Corps determined the proposed project "may affect, but is not likely to adversely affect, federally listed sea turtles and smalltooth sawfish. -Corps letter indicated that there are no seagrasses and the project does not involve dredging.¹¹ -NMFS requested additional information previously requested on 06 February 2008, via telephone which has not been received.

¹¹ The Corps consulted by letter dated 17 January 2008 and determined that the project "may affect but would not adversely affect" the smalltooth sawfish and swimming sea turtles. The letter specifically stated that the Applicant's consultant has advised that there are no seagrass and the project does not involve dredging. This was an incorrect statement since the proposed project does consist of seagrasses and does involve dredging.

	<ul style="list-style-type: none"> -Confirmation concerning the nature of dredging and seagrass impacts -The type of dredge to be used and access to the area -Confirmation concerning the amount of seagrasses present in the existing canal and new channel that will be dredged, the types of seagrasses present in the new channel and the quantity of SAV displaced by the new channel dredge. -The impacts of pile driving and pile placement, -Questioned the dock construction materials and spacing of decking materials. -Questioned the construction of the seagrass mitigation areas -Requested a biological assessment for the sea turtles and smalltooth sawfish
STATE AGENCIES	
State Historical Preservation Office (SHPO), 15 February 2008	<ul style="list-style-type: none"> -A review of the Florida Master Site File indicates that no significant cultural resources are recorded in the area. -Recommended that a cultural resource management consultant should conduct a cultural resource assessment survey of the area for development. -See Historical Properties, Section 7 (d) of this document.
NON-GOVERNMENTAL ORGANIZATIONS (NGO)	
Save the Manatee Club, 15 February 2008	<ul style="list-style-type: none"> -Opposed to the connection of isolated waterways to navigable waters via a boat lift or dredging. -Undermines any attempt to assess cumulative impacts to manatees, as required by the Marine Mammal Protection Act (MMPA). -Reconnection of a 14.5 acre mining pit to the canal as part of the proposed mitigation could open additional isolated waters for boating activity and increase the threats to the manatee. -Opposed to the destruction of seagrasses. -Proposed project is located in an undeveloped four (4) mile stretch of coastline. Minimal threats to manatees and their habitat currently exist in comparison to developed areas. A project of this magnitude which will accommodate 500 boats will create unacceptable and unprecedented threats to manatees using this area. -Strongly recommend that the proposed project be denied.
Gulf Coast Conservancy, 19 February 2008	<ul style="list-style-type: none"> -Strong concerns with SAJ-2007-05788 (SunWest Park) and SAJ-2006-05871 (SunWest Harbortowne) as interdependent; one cannot exist without the other. -Project impacts not properly addressed -Adequate way to analyze and mitigate impacts by completing an environmental impact statement. -Coastal management and flooding issues -Negatively impact regional economies of recreational and commercial fishing industries due to degradation of the coast and estuaries. -Lands were to revert to Pasco County upon termination of mining operations and be preserved for recreational purposes.

	<ul style="list-style-type: none"> -Applicant has not properly addressed the impact to the resources. -Direct and Cumulative negative impacts to coastal ecosystem associated with the project; displacement of almost 12 acres of seagrass and other SAV; much more will be impacted by the cumulative effects of dredging and increased boat traffic. -Directly impact the mitigation area for Hudson Bayou. -Dredging the channel will cause direct damage to seagrass habitats and the local fisheries and potentially negatively impact surrounding areas. -Direct impacts - immediate loss of fisheries habitat, decrease in water clarity, disruption of hydrodynamic patterns leading to a decrease in water quality, increase turbidity, decrease of light penetration due to boat wakes. -Secondary impacts- increased noise, changing the nature of the waterway, contaminants -True seagrasses will not survive in the low salinity levels contained within the mine pits (6 parts salinity unit). Widgeon grass (<i>Ruppia</i>) would be able to persist. This implies that the mitigation project would not support the same habitat it is replacing. -Need for the dredging -Failure of the permit application to demonstrate an absence of adverse impact on cultural resources, including an underwater archaeology survey with remote sensing. -Concern with the Pasco County Comprehensive Plan which prohibits the use of public monies for private benefit, with an exception are public recreation and facilities needed to serve existing development, -Requested a public hearing
PUBLIC CITIZENS	
<p>Ana Colucci, 01 February 2008</p>	<ul style="list-style-type: none"> -Oppose the proposed project, believe it will affect wildlife adversely and the wetlands. -Appears to have issues surrounding the boat launch limitations with the travel lift (40/day) in association with the number of proposed trailer spaces (250) and wet/dry slips (350). -It is impossible to have all these boats in the water in such a small area. -No public sewer system is in the area -Requested a public hearing.
<p>Richard Sommerville, 18 March 2008</p>	<ul style="list-style-type: none"> -Requested a public hearing. -Limited information in the public notice -Public notice plan sheets of low quality and not labeled -Dredging alternative analysis -Not enough information to reach any conclusions about boat access supply and demand in Pasco County. -Discrepancies in the public notice -Mitigation does not satisfy the no net loss rule. -Traffic problems due to the proposal that all traffic from the Park and the proposed residential development would empty out onto U.S. 19. The proposed abandonment of an existing road as an alternative to U.S. 19 would not be in the public interest. -No discussion of whether and to what extent the proposed project would cause or contribute degradation of the waters of the United States.

	<ul style="list-style-type: none"> -Expressed concern with the proposed enforcement of the restricted speed zones and how it relates to the protection of the manatee. In addition, expressed concern if it would be left up to the State or the County to enforce the speed zones area. -Expressed concern that the public notice did not address how the pollution from boats would affect the estuary. -Environmental Impact Statement should be prepared for the project. -Direct, Secondary and Cumulative Impacts. The coastal development along with boat traffic pollution is bound to contribute to the degradation of waters of the U.S. and thus effect the estuary. -Public Interest Review -Requested documents (EASOF, Permit, Alternative Analysis)
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Table 4: 12 April 2011 Public Notice Comments

Name & Date	Issue
FEDERAL AGENCIES	
NMFS (HCD), 19 April 2011, 06 May 2011 and 17 May 2011	<ul style="list-style-type: none"> -Requested public notice extension -Previously provided Essential Fish Habitat (EFH) conservation recommendations in 17 March 2008 letter -Significant discrepancies exist in the acreages listed for creation and enhancement of the various habitat types in the different locations. -Present format makes it difficult to grasp the overall amount, type, and location of mitigation measures proposed. -Continual concerns with the lack of detail in the SAV mitigation plan. -Provided additional EFH recommendations -Determined in accordance with Part IV, Section 3(a) of the current Memorandum of Agreement between the Departments of Commerce and the Army that the proposed project may result in substantial and unacceptable impacts to ARNI. -Restated concerns identified in the previous correspondences -Determined in accordance with Part IV, Section 3(b) of the current Memorandum of Agreement between the Departments of Commerce and the Army that the proposed project may result in substantial and unacceptable impacts to ARNI.
USFWS, 11 May 2011	<ul style="list-style-type: none"> -Project appears to have changed since the 15 February 2011 concurrence letter. - Revision of the Effect Determination Key for the Manatee (March 2011) -Discrepancies regarding the acreages for SAV that preclude ability to determine if the proposed mitigation adequately offsets impacts.
USEPA, 11 May 2011	<ul style="list-style-type: none"> -Public notice stated 11.8 acres of SAV impacts; however, the impact area is estimated to be at least 27 acres. -Plans and exhibits incomplete and difficult to assess as final wetland mitigation plan. -Discrepancy of 5.4 acres of seagrass impacts and mitigation plantings. -Concern with the proposed methodology to establish seagrasses as mitigation.

	<ul style="list-style-type: none"> -Establishing appropriate elevations for seagrass survival and recruitment. -Management and enforcement of boating speed limit and routing requirements -Recommend Applicant to present a single, comprehensive assessment of existing wetlands and submerged aquatic vegetation at the project site. -Comprehensive document detailing the mitigation plan including performance standards. -Suggested an additional 30 day public notice once revised and corrected information is provided.
NMFS, PRD, 31 May 2011	-Requested additional information concerning the mitigation and if replacing the original mitigation described in previous consultations
Seminole Tribe of Florida, Tribal Historic Preservation Office (STOF-THPO), 26 April 2011	-STOF-THPO has no objection to the proposal at this time, request to be informed if cultural resources that are potentially ancestral or historically relevant to the Seminole Tribe of Florida are discovered at any point during the construction process.
STATE AGENCIES	NA
NON-GOVERNMENTAL ORGANIZATIONS	
Citizens for Sanity, 08 May 2011	<ul style="list-style-type: none"> -Supplements previous letter submitted concerning the project. -Concern with mitigation compensating for the impacts -Dependent on the SunWest Park and SunWest Harbourtowne project -Concern if the science exists to mitigate for the impacts and be successful which has been independently reviewed by scientists -Enforcement and inspecting the success of the mitigation -Assurance to ensure mitigation will occur by requiring the Applicant to provide a bond.
Gulf Coast Conservancy, 09 May 2011	<ul style="list-style-type: none"> -Proposed mitigation does not offset the damage to coastal SAV. The mitigation is poorly located and inadequate in scope. -Design of the proposed dredge would pose a safety hazard to small boat operations. -No demonstrated need to widen and deepen the channel. -Requested a public hearing
PRIVATE CITIZENS	
Albert Hiller, 19 April 2011 (telephone) and 20 April 2011 (letter)	<ul style="list-style-type: none"> -Primary concern with the proposed Werner Boyce mitigation area due to close proximity to residence -Proposed material and quantity to be used in the area, construction schedule -Navigational concerns during and after construction -Requested a public hearing
Reed Heath, 20 April 2011 (telephone)	-Unclear of the proposal
Richard Sommerville, 09 May 2011	<ul style="list-style-type: none"> -Submitting on behalf of Citizens for Sanity, Pasco County, Inc. and the Suncoast Group of the Sierra Club (no letterhead letter) -Submitted nineteen (19) Exhibit materials (Refer to AR)

Janice Howie, 10 May 2011	-Requested a public hearing -Concern that the proposed area to be dredged is an excellent area for flats fishing and an area that provides a nursery for many of the species in the Gulf.
Josh Fritz, 12 May 2011	-Local fishing guide in the area and the proposed project will destroy Fillman Bayou
Lynn Linderman, 15 May 2011	-Project will destroy seagrasses and increase the chance of flooding in residential areas.
Dan Callaghan, 16 May 2011	-Provided comments on SAJ-2007-05788; however referred to the project as SunWest Harbourtowne. -Expressed concerns with the validity of the information contained within the application and the proposed impacts on Fillman Bayou.
Clay Colson, 16 May 2011	-Resubmittal of Richard Sommerville letter dated 09 May 2011 and nineteen (19) exhibit materials.
James Quinlan, 16 May 2011	-Opposes the dredging plan and there are many less environmentally damaging alternatives.

Table 5: 04 September 2012 Public Notice Comments

Name & Date	Issue
FEDERAL AGENCIES	
NMFS/HCD, 19 September 2012	<p>-NMFS determined the proposed work will substantially and unacceptably impact Aquatic Resources of National Importance (ARNI), as well as EFH and associated living marine resources.</p> <p>-Reiterated from the 14 February 2012 letter, that protection of existing high quality SAV habitat from secondary impacts by establishing SPZs is not an acceptable mitigation strategy to compensate for the lost SAV ecosystem services from the proposed SunWest Park Channel.</p> <p>-For a SPZ to be acceptable to NMFS, the Applicant must demonstrate the SPZ has potential to provide an ecological lift.</p> <p>-The proposed four (4) SPZ's appear to be sited with no supporting science-based, current field-verified documentation as to the areal extent, width, or depth of prop scars.</p> <p>-Observations during a 19 January 2012 site visit, revealed minimal prop scarring. Vessel usage observed in the area was limited to small, shallow draft, recreational, outboard-driven vessels.</p> <p>-NMFS has repeatedly stated the proposed unenforceable SPZs should be viewed as a management measure to minimize and avoid secondary impacts caused by increased vessel traffic in areas of SAV, not as mitigation for direct impacts to EFH and ARNI.</p> <p>-NMFS consulted with Dr. Mark Fonseca, NOAA seagrass expert for review of the adequacy of the mitigation plan. Dr. Foneseca's review indicated the plans contained insufficient information to judge the efficacy of the SAV restoration and concluded the project has the potential to create a significant and persistent loss of seagrass habitat.</p> <p>-NMFS expressed concern of the uncertainty of the ability for SAV to naturally recruit across the culverts at the Strauber Memorial Highway site. NMFS questions the purpose of and need for, the proposed over-dredging</p>

	<p>and whether the Corps has evaluated if the proposed over-dredging would effectively yield an increased channel width.</p> <p>-NMFS remains concerned with the lack of scientific rational to support the apparent increased lift input into the Habitat Equivalency Analysis (HEA) for some of the mitigation areas (Anclote, Strauber Memorial Highway culvert replacement, Pasco Palms and Werner Boyce).</p> <p>-NMFS stated that the Applicant's mitigation proposal is inadequate and poses significant ecological risk in providing necessary ecosystem services in a timely manner to offset impacts from a new channel construction. NMFS maintains previous determination that the project would result in significant, adverse impacts to both EFH and ARNI.</p> <p>-NMFS stated that authorizing directs SAV impacts of this magnitude for construction of a new recreational boat channel would be unprecedented.</p> <p>-As indentified in prior comment letters, NMFS is not opposed to construction of the proposed public park. However, due to insufficient mitigation to offset the proposed impacts to EFH and ARNI continue to recommend authorization to dredge 28.8 acres of SAV for the construction of a new recreational boat channel, as currently proposed, should not be granted.</p>
STATE AGENCIES	NA
NON-PROFIT ORGANIZATIONS	
Save the Manatee Club, 11 September 2012	<p>-Requested Corps deny the SunWest Park project</p> <p>-4 September 2012 public notice does not reduce previously stated concerns which were communicated in letters dated 8 December 2011 and 3 July 2012.</p> <p>-Project has significant negative impacts to both manatees and their aquatic habitat.</p> <p>-The review of the project by the USFWS has been inadequate under the Endangered Species Act Section 7 requirements.</p> <p>-USFWS and the Corps have overlooked the documented use of this area by manatees.</p> <p>-Despite the multiple consultations the Corps had with the USFWS, the first consultation in August 2009 was predicated on the implementation of manatee speed zones, USFWS findings have not change when the speed zones were not approved. Elimination of a major projective measure intended to reduce the impacts to manatees should have resulted in a change of opinion by USFWS to a "may affect" determination.</p> <p>-Significant sighting data collected by local citizens proving the importance of this location to manatees.</p> <p>-USFWS seemed to utilize the absence of manatee watercraft related deaths in this region as reasoning to approve the project. The use of the area by manatees is well documented by local sighting reports. The absence of watercraft related mortality in the region can be attributed to relatively low boating activity in the region.</p> <p>-Concern with the current mitigation proposal, seagrass protection zones do not mitigate for damage, and SMC does not support the proposed out-of-kind mitigation. Seagrass impacts should be avoided and minimized.</p>

<p>Center for Biological Diversity, 19 September 2012</p>	<ul style="list-style-type: none"> -Delivered 20,863 signatures for a petition collected from supporters of the Center for Biological Diversity and hosted at Care2.com. -In the petition, individuals expressed opposition to the SunWest dredging plan in Fillman Bayou. -An Excel spreadsheet was provided with the petition and is included in the AR. The spreadsheet included supporter's personal comments. -The main personal comments were centered on concerns for Fillman Bayou, manatees, lack of mitigation, lack of minimization, importance of seagrass habitat, and opposition of the proposed project.
<p>Center for Biological Diversity, Gulf Coast Conservancy, Gulf Restoration Network, Save the Manatee Club, Sierra Club Florida, and Tampa Bay and Suncoast Sierra Clubs, 19 September 2012</p>	<ul style="list-style-type: none"> -Joint NGO letter -Project is not in the public interest, will have significant environmental impacts on the marine environment and will likely harm endangered species and their habitats, request denial of the application. -SunWest Park project is contrary to the public interest. The scope, need, purpose and details of the project have been modified multiple times. The public need for the project remains in dispute. -The public is quite vocally against the project and the unprecedented environmental impacts it will cause. -The impacts of SunWest Park project are uncertain particularly the lack of supporting data and information that manatees use this area with frequency and that the area supports features vital to manatee survival. -The project will establish precedent for future actions with significant effects. -The project will have cumulatively significant impacts. -There is no accurate and well supported statement of the project's purpose and need. -Improper segmentation between SunWest Park and SunWest Harbourtowne -Proposed compensatory mitigation plan is insufficient; reliance on the Habitat Equivalency Analysis is misplaced; Seagrass Protection Zones cannot be considered compensation; No assurances that the mitigation will be sufficient;
<p>The Nature Conservancy, 19 September 2012</p>	<ul style="list-style-type: none"> -Seagrass is highly valued as a natural and public resource in Florida. -Numerous scientific publications describe the importance of seagrass beds to the Gulf of Mexico's ecology and economy. -Florida's seagrass beds are responsible for bringing in millions of dollars from out-of-state and resident recreational boaters, sport and commercial fisherman. -Seagrass Protection Zones do not address the full suite of direct and future impacts anticipated with the project. It would be difficult and expensive to enforce the zones. No entity is identified as the responsible party for enforcing the zones. Without enforcement plan and long-term source of funding to adequately support the zones there is no guarantee that the seagrass beds will be protected as proposed. -The application lacks sufficient detail to determine if the seagrass creation mitigation is located in areas that are currently suitable for seagrass.

<p>The Nature Conservancy, 19 September 2012</p>	<p>-Concern for 6.89± acres within the proposed park project, which was donated in 2003 to the Southwest Florida Water Management District (SFWMD). -The deed contained statement that the "property shall remain as nearly as practicable, in a natural state, while recognizing that the Grantee may manage the land in a manner that is both consistent with this purpose and not inconsistent with its responsibilities under the laws of the State of Florida." -The Nature Conservancy has never released the restrictions in the 2003 deed.</p>
<p>Richard Sommerville, dated 17 September 2012 and received on 21 September 2012</p>	<p>-Comments provided on behalf of Citizens for Sanity, Pasco County, Inc. - Serious flaws in the Pasco County's Alternatives Analysis (PPAA) dated September 2011. -Federal laws make it clear that the "level of detail in an EFH Assessment should be commensurate" with the potential severity of the impacts to EFH. Efforts should be made to avoid "adverse effects on EFH". An alternative analysis is required to determine if the harmful effects to EFH can be lessened by using alternatives. -The 2001 Parks and Recreation Master Plan (PRMP 2001) was primarily used as part of the project development process and not used to analyze alternatives to avoid impacts to SunWest. -PRMP 2001 states that parks may be stand alone or integrated with other park types. A Boat Access Park (BAP) does not need to be located at SunWest Park. This is very important in that the smaller size of a BAP should allow the Applicant to consider more alternatives. -Contradictory and incomplete information. For instance, the population served by a BAP varies. The PRMP 2001 states one BAP per 100,000 populations but don't say how big this BAP should be. There are four (4) BAPs in the West Planning Area (WPA), and then technically the four BAP's should serve a population of 400,000 which is much larger than the population of the WPA. -PRMP 2001 does not indicate where BAPs should be located. The PRMP 2001 states that the SR 54 corridor is expected to be one of the areas where population will grow the most in the next 10 years. This calls into question the emphasis by Pasco County that BAPs are needed in the northern part of the County. -Criterion for Alternatives selection flawed; the size of parcels was set at 100 acres, then 25 acres of uplands to reduce wetland impacts. The Applicant may have eliminated good alternatives that had a lot of wetland impacts but few impacts to SAV. The most important impacts are to SAV, which are considered EFH. For example, if a 25 acre facility had 25 acres of impacts to wetlands but no impacts to SAV then it would have less impacts than the Preferred Alternative (PA) and would have been a better alternative but was not given that chance because of reliance on the flawed initial screening criterion. -The second criterion is wetland impacts. Wetland impacts seem to be counted twice, once for the initial criterion and then for wetland impacts, which gives it more than twice as much weight as channel impacts.</p>

	<p>-No verifiable data provided to the Corps</p> <p>-Pasco County has a history of flawed of Alternative Analysis such as the Ridge Road Extension.</p> <p>-The remaining alternatives criterions are flawed (Gulf Access, Ownership, Infrastructure). Several criteria that should be considered such as Endangered Species and Historical Resources.</p> <p>-How does cost of SunWest Channel Dredge effect alternative analysis? Are the Applicants trying to artificially separate the two projects in order to be more likely to get state or federal funding for the channel dredge?</p> <p>-Four existing BAP's have overflow parking</p> <p>-Identified several potential alternatives; parcels that are near existing channels that may not require dredging; raised the issue of land swap with SWFWMD; and by separating the SunWest Park from the boat ramp, parking lot and channel more possible sites become available.</p> <p>-Discussed the 6.89± acres that has been raised has an issue with The Nature Conservancy. Suggested that the boat ramp and parking lot be relocated to another location. Thus they could eliminate the parking lot that impacts the 3.78 acres of conservation land. Pasco County's concern with impacting preserved land cannot be used as a reason for rejecting small impacts to conservation land, given they planned to use preserved land for a parking lot.</p>
PUBLIC CITIZENS	
Dwayne Mahony, 05 September 2012	-Supportive of the project and the County will benefit from jobs that the project will provide.
Anthony Denicola, 05 September 2012	-Supportive of the project and the employment opportunities.
Bill Cook, 10 September 2012	- Supportive of the project
Ashton Haa, 11 September 2012	-Supportive of the project, it will stimulate the economy and provide jobs but also bring tourist year round.
Paula Sue Hamilton, 12 September 2012	-Supportive of the project and the benefit to the economy.
Terry Undestad 12 September 2012	-Supportive of the project and the opportunity to create an up to date, safe new access.
Jeff Miller, 12 September 2012	-Supportive of the project and once completed the project will offer recreation opportunities, create jobs, spur tourism and spark development to the Hudson area.
Ron Aldrich, 12 September 2012	-Supportive of the project and development plans for SunWest Harbourtowne. Dredging and widening the canal would make the area more appealing to both recreational fisherman and commercial guides. The SunWest Harbourtowne project would have a great impact on the economy.
Kevin McCullough, 12 September 2012	-Supportive of the project and Pasco County has a need to have more attractions and places for those with families.
Debbie Hill, 13 September 2012	Supportive of the project and the potential to bring jobs and tourism to the north west Pasco area.
Sher Cruz, 13 September 2012	-Supportive of the project by increasing tourism in the area.

Jim Dicks, 14 September 2012	-Concerns with the Save the Manatee Club comments and the manatee are no longer endangered.
Andi Haa, Quality Plus, 14 September 2012	-Supportive of the project, area is lacking recreational areas, and the project would be a benefit to the local and state economy.
Eddie Cook, 15 September 2012	-Correspondence to concerns the SunWest Harbourtowne development project in Pasco County, Florida. -Concerned specifically with the off-site area near the Werner Boyce State Park. -Opposed to the proposed off-site mitigation work which destroys the existing vegetation on this piece of pristine park land. -Request that the mitigation plan at the Northwest corner of the Werner Boyce State Park be removed from consideration.
Frank Fekete, 15 September 2012	-Read about SunWest Harbourtowne and visited the site -Project would be boom to Florida's economy
Al Hiller, 15 September 2012	-Correspondence to concerns the SunWest Harbourtowne development project in Pasco County, Florida. -Concerned specifically with the off-site area near the Werner Boyce State Park. -Opposed to the proposed off-site mitigation work which destroys the existing vegetation on this piece of pristine park land. -Request that the mitigation plan at the Northwest corner of the Werner Boyce State Park be removed from consideration.
Jay Kirk, 15 September 2012	-Correspondence to concerns the SunWest Harbourtowne development project in Pasco County, Florida. -Concerned specifically with the off-site area near the Werner Boyce State Park. -Opposed to the proposed off-site mitigation work which destroys the existing vegetation on this piece of pristine park land. -Request that the mitigation plan at the Northwest corner of the Werner Boyce State Park be removed from consideration.
Diane McMahon, 15 September 2012	-Supportive of the project
James Adamek, Richey Racquet, 15 September 2012	-Supportive of the project, business man and struggling economy would be improved with the approval for SunWest Harbourtowne project.
Chip Wichmanowski, Pasco Education Foundation, Inc., 16 September 2012	-Supportive of the project and will create a great place for families and friends.
Nathan Baker, 17 September 2012	-Correspondence with concerns related to the SunWest Harbourtowne development project in Pasco County, Florida. -Concerned specifically with the off-site area near the Werner Boyce State Park. -Opposed to the proposed off-site mitigation work which destroys the existing vegetation on this piece of pristine park land. -Request that the mitigation plan at the Northwest corner of the Werner Boyce State Park be removed from consideration.

<p>Claude Hill, 17 September 2012</p>	<ul style="list-style-type: none"> -Correspondence with concerns related to the SunWest Harbourtowne development project in Pasco County, Florida. -Concerned specifically with the off-site area near the Werner Boyce State Park. -Opposed to the proposed off-site mitigation work which destroys the existing vegetation on this piece of pristine park land. -Request that the mitigation plan at the Northwest corner of the Werner Boyce State Park be removed from consideration.
<p>W. & Nancy Howard, 17 September 2012</p>	<ul style="list-style-type: none"> -Correspondence with concerns related to the SunWest Harbourtowne development project in Pasco County, Florida. -Concerned specifically with the off-site area near the Werner Boyce State Park. -Opposed to the proposed off-site mitigation work which destroys the existing vegetation on this piece of pristine park land. -Request that the mitigation plan at the Northwest corner of the Werner Boyce State Park be removed from consideration.
<p>Frank Magarahan, 17 September 2012</p>	<ul style="list-style-type: none"> -Correspondence with concerns related to the SunWest Harbourtowne development project in Pasco County, Florida. -Concerned specifically with the off-site area near the Werner Boyce State Park. -Opposed to the proposed off-site mitigation work which destroys the existing vegetation on this piece of pristine park land. -Request that the mitigation plan at the Northwest corner of the Werner Boyce State Park be removed from consideration.
<p>Paul Wernicke, 17 September 2012</p>	<ul style="list-style-type: none"> -Supportive of the project by benefiting the economy and providing employment opportunities
<p>Robin Artzner, 17 September 2012</p>	<ul style="list-style-type: none"> -Supportive of the project and the recreational opportunities it will provide to residents of Pasco County.
<p>Seth Hamilton, 17 September 2012</p>	<ul style="list-style-type: none"> -Supportive of the project as a benefit to the economy and provide employment opportunities.
<p>James Kimbrough, 18 September 2012</p>	<ul style="list-style-type: none"> - Supportive of the SunWest Park Project -Additional recreation facilities are needed as they have not kept up with the growth of the area over the last 40+ years. The project would be a great benefit to the area by bringing needed jobs and the additional opportunity for water recreational.
<p>Karen Smith, 19 September 2012</p>	<ul style="list-style-type: none"> -Requested denial of the proposed project -Submitted data over 5 months of manatee sightings (See Section 3(d)(9)which provides discussion on the previous submittals) -Evidence of the presence of manatee in the waters of the proposed project and concern for the Corps continuing to accept the USFWS opinion of not likely to adversely impact manatees in these waters.
<p>Lori Harding, 19 September 2012</p>	<ul style="list-style-type: none"> -Supportive of the project, west Pasco County does not have a good public beach area, limited ramp and dock access for the boaters in the area, and the project will encourage jobs and growth in our community.
<p>Nikki Summner, 19 September 2012</p>	<ul style="list-style-type: none"> -Supportive of the project and the recreational opportunity it will provide.
<p>Karen Smith, 21 September 2012</p>	<ul style="list-style-type: none"> -Provided additional new information, including the documented manatee birth in Aripeka's Hammock Creek estuary next to Fillman Bayou.

	<p>-Cumulative data shows that 103 manatee sighted within Fillman Bayou.</p> <p>-Application includes a proposed Manatee Observation Tower, approximately in the middle of the primary mine channel between Old Dixie Highway and Fillman Bayou is a statement that there is a well known manatee presence in the narrow channel.</p> <p>-Requested denial of the project and request re-initiation of consultation with USFWS</p>
Rainbow Palms Homeowners Association, 21 September 2012	<p>-Supportive of the project and the channel is essential for the SunWest Harbortowne development and the Pasco County Park.</p> <p>-Northwest Pasco County needs the development and the jobs that will come with the project</p> <p>-When the channel is dredged, seagrass compromised by the project will be offset with nearly 1000 acres of marked (restricted) seagrass beds. Motorboats entering these areas will be stopped and fined by existing state and local agencies currently patrolling the area.</p>
Lisa Bruner, SunWest Acquisitions, Inc.18 September 2012	<p>-During the comment period the Corps received four (4) separate emails containing a survey which asked individuals if first time visitor, Pasco County Resident and why or why not in support of the project.</p> <p>-A total of 98 responses were received in which all were supportive of the project. Comments expressed that the proposed project would be beneficial for the local economy and provide a family oriented facility.</p>

b. (NA) Commenters and issued raised.

Comments received on the proposal have become a part of the administrative record for this action. The District Engineer, based on the comments received, found it was necessary to have the views of the Applicant on particular issues to make a public interest determination. The Applicant's responses 26 August 2008, 23 October 2008, 03 June 2010, 23 June 2011, 23 September 2011, 23 October 2012, 16 November 2012, 19 March 2013 have become a part of the administrative record. The Corps has evaluated the comments which are summarized below:

c. Site was/was not visited by the Corps to obtain information in addition to delineating jurisdiction on the following dates:

Table 6: Site Visit and summary

Date of Site Visit	Location	Summary
16 August 2007	Proposed SunWest Park land base	Jurisdictional
29 December 2011	Dredge channel	Tampa Section Chief, NMFS Assistant Regional Administrator, Habitat Conservation Division, Pasco County Assistant County Administrator, and Applicant's agent visited the site to gain a

		better understanding of the project impacts.
19 January 2012	Dredge channel	District Engineer, Regulatory Division Deputy Chief, Congressman Nugent, NMFS Staff, and Applicant's agent visited the proposed channel via boat in order to gain an understanding of the SAV located within the area
22 March 2012	Strauber Memorial Culvert Replacement, Mitigation Area D	Corps and NMFS representatives conducted UMAM assessment on the proposed mitigation area
16-17 October 2012	Anclote River and Dredge Channel	Corps and NMFS representatives conducted SAV analysis to evaluate for prop scars within the proposed seagrass protection zones (SPZs)
13 December 2012	Dredge Channel	District Engineer, Regulatory Division Chief, Regulatory Division Deputy Chief, South Permits Branch Chief, Tampa Section Chief, Project Manager, and NMFS representatives toured the proposed channel via boat vessel
14 January 2013	Off-site Alternatives	Corps and NMFS representatives independently verified potential alternatives throughout Pasco County, Florida.

d. Issues identified by the Corps. The Corps identified issues concerning the project purpose and need, alternative analysis, wetland mitigation, endangered and threatened species, and cumulative impacts.

e. Issues/comments forwarded to the Applicant. NA/ Yes Refer to Table 7 below.

Table 7: Issues/Comments forwarded to the Applicant

Date of Correspondence	Issues
10 October 2008	<ul style="list-style-type: none"> -Request for authorized agent -Request for revisions made to the project and highlight changes from previous submittals. -Provided USFWS concurrence letter dated 11 August 2009. Request to review and provide any revisions. Informed Applicant that USFWS requested re-initiation of consultation should the Applicant be unable to install the speed zone signs -The Corps needs to determine, if the County's SunWest Park project has independent utility from the SunWest Harbourtowne Project.
28 May 2010	-Same request for additional information that was previously requested on 10 October 2008.
19 April 2011	<ul style="list-style-type: none"> -Electronically provided public comments from Mr. Al Hiller/Signal Cove Homeowners Association. -Requested a response to concerns raised by individual.
11 May 2011	-USFWS comments were electronically forwarded to the Applicant
26 July 2011	-Requested map/drawing which provides the locations of the alternatives.
08 August 2011	-Telephonic request for additional information concerning the alternative analysis; evaluation criteria for the Preferred Alternative, evaluation of the property south of the Preferred Alternative; Evaluation of the No Action alternative; need for boating access in Northern portion of the County; expand on the evaluation criteria; road improvements result in additional wetland impacts;
31 August 2011	-Detailed Request for Additional information (RAI) (60+ questions).
01 November 2011	-Electronically requested additional information concerning the mitigation plan and drawings. The RAI was a result of discussions between Corps and NMFS representatives while reviewing the Applicant's mitigation plan.
16 February 2012	-Electronically requested additional information; Seagrass protection zone (SPZ), contingency language if certain mitigation is not successful and boating survey.
08 May 2012	-The Applicant was informed of Engineering Division's independent review of the design criteria performed by the Applicant's agent, PBS&J. In summary, based on the Applicant's design vessel, a 60 foot channel bottom width is the maximum channel width.
16 May 2012	<ul style="list-style-type: none"> -General environmental concerns and impacts to fish and wildlife weigh in favor of finding the proposal contrary to the public interest based on: <ul style="list-style-type: none"> -Avoidance/Minimization - proposed to dredge a 62 foot channel bottom width. On 08 May 2012, provided a copy of the Engineering Division Memorandum which based on the Applicant's design vessel includes a 10-ft wide beam, 60-ft is the maximum design channel bottom width. -Mitigation - Sufficient mitigation to offset the impacts has not been provided. Corps and NMFS independently conducted a functional analysis known as the Habitat Equivalency Analysis (HEA), which results in a total deficit of 151.82 dSAYs. -In January, Applicant proposed a 550 acre area identified as a "Seagrass

	<p>Protection Zone". Based on discussions with the Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, Boating & Waterways Section (FWC), a restrictive SPZ would not be permissible for enforcement even if Pasco county marine patrol was enforcing the SPZ. FWC informed the Corps that there is no statutory language to allow them to issue such a permit. A seagrass protection area would be for the purpose of resource protection and therefore would not fall under FWC authority. Based on the discussions with FWC, the Corps should not accept a "Seagrass Protection Zone" as a form of mitigation to offset project impacts due to the fact that a SPZ would not have an enforceable component. Therefore, no mitigation will be provided for the establishment of such areas.</p> <p>-Current proposal is to dredge a 62 foot bottom width channel.</p> <p>-Two alternatives were offered:</p> <ul style="list-style-type: none"> o -Alternative #1- Minimize the dredge footprint to a 60 foot channel bottom width and provide an additional 4-5 acres of seagrass mitigation. o -Alternative #2 - Minimize the channel dredge to a 45-50 foot channel bottom width to support a design vessel with an 8.5-ft beam. By minimizing the channel bottom width to 45-50 feet, your current mitigation proposal as evaluated by the HEA would have the potential to offset approximately 18-20 acres of seagrass impacts. <p>-Based on current site conditions and the most recent proposal, staff will be recommending that the permit be denied. The opportunity to modify the project plan to reflect an alternative that would have less impact on the aquatic resources documented at the site or to add additional information to the AR was offered.</p>
<p>27 September 2012</p>	<p>-Provided Applicant a copy of the Nature Conservancy comment letter received in response to the 04 September 2012 public notice. The Nature Conservancy expressed concern with 6.89± acres within the proposed park project. Based on the information there was concern over the legal authority for the County to perform work as proposed. Corps requested a written response to the comments.</p>
<p>24 October 2012</p>	<p>-Corps reviewed the Applicant's response dated 15 October 2012 and received on 23 October 2012 concerning the legal authority for the County to perform work as proposed.</p> <p>-Corps was not clear in expressing our concern with the parcel of land that was donated. There does not appear to be a dispute over property ownership as referenced in the "Consideration of property ownership" factor of our public interest review. 33 C.F.R 320.4(g)(6).</p> <p>-Corps will consider the restrictive covenant as part of the conservation factor pursuant to the public interest review. 33 C.F.R. 320.4(a)(1). This factor will weigh towards finding the project as contrary to the public interest unless you can modify the project footprint to avoid a conflict with this restrictive covenant.</p>
<p>31 October 2012</p>	<p>-Response to County letter dated 22 October 2012; Corps has unresolved issues concerning the public interest review and the adequacy of the submitted mitigation proposal.</p> <p>-The District Engineer was unable to accept the invitation to participate in a</p>

	field visit.
31 January 2013	<p>-During the 13 December 2012 meeting, the Corps agreed to follow up with a letter to address the Applicant's concerns in writing as well as provide a comprehensive request for additional information outlining any outstanding information needs necessary for the Corps to make a permit decision pursuant to NEPA, CWA, Rivers and Harbors Act of 1899 and the Corps' public interest review.</p> <p>Two part letter; Part I addressed concerns identified by the Applicant at the 13 December 2012 meeting; Part II represents a request for additional information.</p> <p>Part I issues discussed;</p> <p>-Habitat Equivalency Analysis (HEA), requested Planning Division HEA technical expert for Civil Works to conduct an independent analysis of the HEA (See Internal Coordination, Section 7(k)); the independent analysis indicated that the Corps/NMFS HEA run was applied correctly; however, there were some discrepancies with the out-of-kind mitigation components and the delta that was utilized. The analysis resulted in a mitigation deficit of 312.160 dSAYs. To be consistent with Civil Works, this mitigation deficit, as documented in the HEA run by our technical expert, represents the Corps' final HEA analysis for the project based on the information to date.</p> <p>-Reduction in UMAM scores; UMAM was used appropriately and the Corps stands by our current UMAM scores.</p> <p>-Seagrass Protection Zone (SPZ); Corps assisted in locating potential SPZ areas that might provide ecological lift to offset the mitigation deficit. During site inspections of the proposed 992 acre SPZ areas, the Corps and NMFS determined that the areas only exhibited minimal prop scarring and little potential for ecological lift. SPZs are difficult to enforce and protect in perpetuity as required by RGL 02-02, 33 CFR 320.4(r)(ii)(2) and the Compensatory Mitigation Rule. The Jacksonville District reached out to other Corps Regulatory Districts on the usage of SPZs and discovered that this form of mitigation was not a practice within other Corps Districts. We are unable to accept the proposed SPZ as compensatory mitigation for direct seagrass impacts.</p> <p>-Completeness of Mitigation Proposal; the Corps focused on the mitigation component without thoroughly reviewing the Applicant's alternative analysis. Until the Applicant have demonstrates adequate avoidance or minimization, the Corps will be unable to review the adequacy of the submitted mitigation plan.</p> <p>-Lands donated by the Nature Conservancy to Southwest Florida Water Management District; this item is no longer an issue with the Corps and concurs that this is a legal matter between Pasco County and the Nature Conservancy.</p> <p>-Identification of 3.6 acres necessary for mitigation; this figure was back-calculated from dSAYs from the Corps/NMFS HEA run. NMFS and our technical expert discouraged back-calculating dSAYs to determine an acreage amount since it was not related to specific mitigation component service lift and recovery rate.</p> <p>-Corps correspondence to Applicant indicating 404(c) process and proceeding with issuance; this correspondence was sent prematurely prior to the Corps</p>

	<p>completing a comprehensive review of the administrative record.</p> <p>Part II - Corps Outstanding Issues</p> <ul style="list-style-type: none"> -Project Impacts; inconsistencies in the record and lack of clarity concerning the proposed project impacts to SAV. -Alternative Analysis; Pasco County's 2011 Alternative Analysis is not adequate for the Corps to determine that the proposed project complies with the 404(b)(1) Guidelines; Requested additional information addressing avoidance, evaluation criteria, no action alternative, off-site alternatives and minimization. -Compensatory Mitigation; must first demonstrate that project impacts have been avoided and minimized to the maximum extent practicable -Public Interest Review; informed the Applicant that there was insufficient information in the record to determine whether the proposed project is contrary to the public interest. Specifically requested the Applicant to address public interest factors, including fish and wildlife, wetlands, mitigation and general environmental concerns. -Public comments; provided four letters received during the public notice comment period and requested a response to each of the concerns raised by the commenters. -NEPA; The Corps has removed the proposed boat lift, which would provide access for boats from the proposed SunWest Harbourtowne development to the canal abutting the proposed SunWest Park, from consideration as there appears to be no apparent need or use of the boat lift by the public users of the proposed county park. It is the Corps' position that Applicant responses concerning the practicability of minimizing project impacts should not consider any anticipated use by, or benefit from, the proposed SunWest Harbourtowne development. Otherwise, the projects will not be considered to have independent utility and the proposed projects would have to be considered in a single NEPA analysis as connected actions.
<p>22 February 2013</p>	<ul style="list-style-type: none"> -Response to the 15 February 2013 letter; in which the Applicant asked to run the HEA model using the seagrass survey data and statement that seagrass surveys are expensive to obtain and require a considerable work effort. The Corps stated that we are not asking the Applicant to complete a new seagrass survey. -The Corps will not be utilizing the seagrass density data from the Applicant's seagrass surveys as a measure of pre-injury service level. -The Corps plans to complete one final HEA model run using the UMAM scores as the pre-injury service level for the proposed channel zones identified in the seagrass surveys. -The Applicant stated that there was no data for "Zone 0" because no dredging will be done there; however, the statement conflicts with information provided by the Applicant's agent on 10 August 2012, which indicated that approximately 2.0 acres of SAV dredging impact would occur within "Zone 0" -The Corps reiterated to the Applicant that prior to assessing the adequacy of the compensatory mitigation proposal, the Applicant must first demonstrate that the project impacts have been avoided and minimized to the maximum extent practicable.

f. Meetings NA/Yes. As indicated in Table 8 below:

Table 8: Meeting Summary

Date of Meeting	Issues Discussed
20 May 2008	<ul style="list-style-type: none"> -Overview of the proposed project; including park design, seagrass information, channel information, mitigation updates. -Discussion of 80 foot wide channel (surface) to provide for a larger functional channel; referred to Hudson Channel as an example of "over minimization" which has resulted in additional impacts to resources. Hudson Channel was reduced to a width of 40 feet which has resulted in vessels traveling outside of the channel for safety purposes. -The Corps requested the design draft depth that was utilized to determine the depth of the channel. The Applicant's agent indicated a 3-foot maximum is expected (a 40-foot boat would likely have a 3-foot plus draft). -According to vessel traffic study the average length is projected to be about 22 feet. -Corps raised the question of vessel size originating from the proposed SunWest Harbourtowne development. The Applicant's agent stated that it is expected that vessel size would be between 22 to 24 feet; however, vessel size will be limited by the travel lift capacity. -USEPA raised a concern with the parking access and Corps inquired about the retail parking location. The Applicant's agent stated that there will be 250 trailer parking spaces and 200 car parking spaces. Retail parking would be in the uplands. The only wetland fill associated with parking would be for beach parking located at the western end of the beach pond. -Mitigation Plan
06 July 2009	- No formal notes prepared
24 July 2009	-Interagency meeting held at the FDEP Southwest District Office
03 August 2010	<ul style="list-style-type: none"> -Interagency meeting held at Pasco County Management Conference Room -No formal notes prepared
08 February 2011	-Meeting to familiarize the Corps' new project manager with the proposed project and project history
18 May 2011	-Meeting to discuss mitigation; indicated to Applicant that focus has been on dredging/Section 10; however, project has wetland fill and would need to provide an alternative analysis.
17 August 2011	-Meeting with Pasco County Facility Management representative's objective to bring the new County employee up to date on the review process.
03 October 2011	-Meeting to discuss items previously identified in the 31 August 2011 RAI and the Applicant's 23 September 2011 submittal
21 October 2011	-Meeting to discuss clarifications to concerns from previously generated submittals.
03 January 2012	-Regulatory Division Chief and Deputy Chief met with Applicant and

	Agent. Applicant provided history of the project and voiced concerns with delay and NMFS' objections. During the meeting it was identified the SAV impacts as presented by the Applicant to the Corps and FDEP were different.
20 January 2012	-Meeting held to discuss project and issues including NMFS' concerns and objections following the site visit and realization that SAV impacts were greater than originally presented by the Applicant. Corps and NMFS agreed to consider the concept of a SPZ as mitigation and reiterated the need for a complete mitigation plan. Corps questioned the need for a 65-ft wide channel (bottom) and requested a copy of the boat survey. Corps expressed concerns with separation of the SunWest Harbourtowne and SunWest Park applications and inclusion of travel lift in the County application.
02 March 2012	-Corps and NMFS representatives participated in a teleconference with the Applicant, their consultants, and representatives from the Congressional offices of Senator Nelson, Senator Rubio, Congressmen Nugent, and Congressman Bilirakis to discuss the path forward for the SunWest Park Project. -Discussed agency positions concerning the compensatory mitigation plan to offset approximately 31 acres of SAV and wetland impacts. -Discussions focused primarily on the establishment of seagrass protection zones (SPZs) within the project vicinity and adjacent to the existing Hudson Beach project (SAJ-2002-01021) existing SPZs. -For additional information concerning the teleconference, refer to the MFR contained within the AR.
12 March 2012	-Meeting with Applicant's agent on the proposed mitigation and HEA analysis.
13 March 2012	-Corps and NMFS representatives met with the Applicant, the Applicant's agent, and representatives from Congressman Nugent's office and Senator Rubio's office. -Discussed the use of HEA and the need for a metric.
14 March 2012	-Meeting with Applicant's agent to discuss channel width, SPZs and use of HEA
04 April 2012	-Meeting between the Corps, NMFS, the Applicant, the Applicant's agent, and representatives from the Congressional offices of Senator Nelson, Senator Rubio, Congressmen Nugent, and Congressman Bilirakis -Discussed SPZs, HEA analysis and results, and additional mitigation opportunities. Discussed that SPZs needed to provide restoration lift and not just preservation.
26 April 2012	-Meeting between the Corps, the Applicant, and the Applicant's agent to discuss the HEA analysis. The Applicant's agent provided a hardcopy of their HEA analysis.
06 June 2012	-Meeting between Corps leadership, County Commissioner Mariano, County Representatives, and their consultants. -Applicant provided a presentation to Corps leadership. -Applicant indicated that minimization of the channel width below 60 feet is neither a safe nor acceptable option.

	<p>-Applicant expressed concerns related to use of the HEA model for the SunWest Park project (i.e., no credit for channel recovery, no metric)</p> <p>-Applicant expressed concerns with Corps use of UMAM indicating an 80% difference between the Corps and the State's UMAM scores.</p> <p>-Applicant requested Corps to reconsider its position on Seagrass Protection Zones.</p>
26 July 2012	<p>-Meeting between Corps and the Applicant's agent; provided a response to the 27 June 2012 electronic RAI; provided revised drawings removing reference to and depiction of the proposed travel lift.</p> <p>-Discussions concerning the remaining mitigation needed potential SPZ/prop scar areas at the mouth of the Anclote River. Agent provided information that indicated a deep unmarked channel. Corps suggested placing navigational markers within the channel to direct the boaters to utilize the area instead of prop scarring.</p> <p>-Informed agent that a public notice would be issued for the project to clarify the project since the two previous notices contained errors.</p>
13 December 2012	<p>-Meeting with Corps, NMFS, Applicant, agent, and representatives from Senator Nelson's office and Congressman Bilirakis' office</p> <p>-Applicant's agent provided presentation of mitigation components, unresolved issues/concerns with regards to HEA model (use of metric, not accepting natural recovery, arbitrary assignment of % service lift, and explanation behind 30% reduction in out-of-kind credit); issues raised and resolved and re-opened (acceptance of SPZs as a mitigation component and completeness of mitigation plan)</p>

g. Applicant replied/provided views. NA/Yes As indicated in the AR:

Table 9: Applicant response and summary

Date of Submittal	Summary
23 October 2008	<p>-Applicant has incorporated all reasonable recommendations, completed studies and/or reviews of alternatives suggested by Agency representatives, and where these alternatives were practicable and resulted in reduced environmental impacts, incorporated them into the project proposal.</p> <p>-In response to NMFS comment concerning the "two average size" vessels to utilize the proposed channel, the Applicant responded that the average size and draft vessels would be 22 feet with a draft of approximately 2.5 feet. This was based upon a boat launch area vessel traffic study conducted at the three main public launch ramps in Pasco County. The Applicant further stated that the park's trailer parking spaces have been sized accordingly with the majority of the vessels not exceeding 25 feet.</p>
July 2009	-Wetland Mitigation Plan
11 March 2010	-Agent provided revised mitigation plan
05 May 2010	-Agent provided SunWest Park Mitigation Plan and the SunWest Park RAI

	#5 response.
03 June 2010	-Response to the 28 May 2010 Corps letter -Agent indicated that two firms were working as authorized agents (PBS&J and BCPeabody) -Discussion on project revisions -Discussion on manatee protection plan -Discussion on SunWest Harbourtowne; project is not contingent on the channel or park, anticipated vessel traffic in channel will originate from the park, and the County intends to manage the operation of the channel and park.
24 June 2010	-Agent provided revised mitigation plan dated April 2010
01 July 2010	-Discussions on two concerns/issues; independent utility of SunWest Park and SunWest Harbourtowne and inability to meet certain conditions of the manatee protection requirements in the U.S. Fish and Wildlife Service's Biological Opinion.
06 July 2010	- Applicant's agent provided NMFS with a copy of the Wetland Impact and Mitigation Plan Summary dated April 2010. - Applicant's agent advised of a change to the Mitigation Plan. The propeller scar seagrass repair is no longer being proposed as mitigation.
10 August 2010	-Agent provided revised mitigation plan to include restoration of bomb holes within the Gulf of Mexico
26 September 2010	- Applicant's agent provided final mitigation plan dated September 2010 and copy of the FDEP RAI response package
05 October 2010	- Applicant's agent provided a DVD containing the final Mitigation Plan Summary
26 October 2010	- Applicant's agent provided a Wetland Impact and Mitigation Plan Summary dated October 2010
08 November 2010	- Applicant's agent provided an updated Wetland Impact and Mitigation Plan that replaces the September version
10 November 2010	- Applicant's agent provided CD containing the Final Mitigation Plan and the October 2010 DEP RAI response
14 February 2011	- Applicant's agent provided information requested during the 08 February 2011 meeting: Application history and submittals, location of manatee observation tower, SHPO clearance letter, NMFS PRD completed consultation, addendum to October 2010 Mitigation Plan, Draft FDEP Notice of Intent to Issue
17 February 2011	- Applicant's agent indicated that the previous submittal dated 14 February 2011 referencing a hopper dredge was incorrect. -Applicant's agent indicated that hopper dredges will not be used on any element of the project
07 March 2011	- Applicant's agent provided construction and mitigation drawings.
21 April 2011	- Applicant's agent provided a response to the 19 April 2011 request concerning issues raised by commenter.
11 May 2011	- Applicant's agent provided a response to 11 May 2011 request for clarification to USFWS concerns
23 June 2011	-Applicant's agent provided a response to public notice comments and an alternative analysis

06 July 2011	-Applicant's agent provided a revised alternative analysis
12 July 2011	-Applicant's agent provided a memorandum for record based on the example the Corps provided to the agent.
26 July 2011	-Applicant's agent provided a location map for alternatives
08 August 2011	-Applicant's agent provided a response to the 08 August 2011 RAI
23 September 2011	-Applicant's agent provided a response to the 31 August 2011 RAI
25 September 2011	-Applicant's agent provided Appendices A through H which consisted of each mitigation component UMAM assessments.
06 October 2011	-Applicant's agent provided response to the follow up questions from the 03 October 2011 meeting.
25 October 2011	-Applicant's agent provided a response to the follow up questions from the 21 October 2011 meeting.
02 November 2011	-Applicant's agent provided a response to the electronic questions raised on 01 November 2011
16 December 2011	-Applicant submitted a letter to the District Engineer from Pasco County Commissioner Jack Mariano. Points raised in the letter include: -working to convert a gorgeous piece of land, which has been unusable because of the dangers that exist in a water laden limerock quarry to a park amenity for public access. -Potential to provide a water park -Believe NMFS is making an attempt to slow or stop the project. -Project under review for five and half years and Corps project managers have changed five times -Mr. Fonesca may be an expert on seagrass at the national level, but his letter demonstrates a clear lack of knowledge and expertise on seagrass in Pasco County and on the SunWest Park project in particular. -Do not see the applicability of the Habitat Equivalency Analysis (HEA) to the SunWest project. This method should have been requested years ago and introducing this methodology now is an arbitrary and capricious attempt to forestall a final decision on the permit application or an attempt to make the project financially infeasible.
26 January 2012	-Applicant's agent provided a response to information requested during the 20 January 2012 meeting, including: -Channel drawing with dredge impact acreage by zone calculated by CAD, revised impacts to mitigation table, proposed permit conditions, proposed 550 acre Seagrass Protection Zone, contingency plan, and analysis of largest likely boats to use SunWest Channel
17 February 2012	-Applicant's agent electronically provided a response to the Corps' 16 February 2012 RAI.
23 February 2012	-Applicant's agent provided additional information in response to the 16 February 2012 RAI; provided a consolidated document with narrative that concisely and logically explains the current channel design and incorporates various documents separately. Agent provided six (6) attachments.
07 March 2012	-In response to discussions from the 02 March 2012 teleconference meeting, the Applicant's agent provided a revised proposal for establishment of SPZs as the final component of the Pasco County SunWest Park Mitigation Plan.

11 April 2012	-Applicant's agent electronically provided an analysis converting the mitigation shortfall in the HEA model into impacted acres, and applying the SPZ credit as a ratio.
26 April 2012	-Applicant's agent provided HEA Analysis at the 26 April 2012 meeting
06 June 2012	-Applicant indicated that this email will serve as their response to the Corps' 16 May 2012 letter. It identified nine (9) issues raised at the 06 June 2012 meeting which will be discussed.
01 August 2012	-Applicant's agent provided information concerning proposed SPZ areas discussed during the 26 July 2012 meeting.
23 October 2012	-Applicant provided a response to the Corps' 27 September 2012 letter concerning the issues raised by the Nature Conservancy. -Applicant acknowledges the language contained in the deed for the 6.89± parcel of land donated by the Nature Conservancy to the Southwest Florida Water Management District (SWFWMD) and traded by SWFWMD to Pasco County for 150± acres of nearby environmentally valuable land. -Applicant suggested that the deed issue raised by the Nature Conservancy should not be a factor considered in the Corps' processing of the application. -Property issues between the County and the Nature Conservancy will be resolved outside of the permitting process prior to the County's initiation of construction.
16 November 2012	-Applicant provided a response to the Corps' 24 October 2012 letter requesting additional comments regarding the issue raised by the Nature Conservancy. -County referenced a 23 June 2009 memorandum of agreement (MOA) between Pasco County and SWFWMD that contemplated the future use of the property to: "[P]rovide the District and Pasco County the opportunity to co-locate access facilities to the future county park and the District's adjacent land, and enhance and improve access and management to the properties already owned by the District and Pasco County and to provide increased passive recreational opportunities for the public..."
19 December 2012	County Commissioner Mariano's letter to the District Engineer -In his view, the main dispute is whether Pasco County has provided enough mitigation. He identified issues with the HEA model and the Corps's rejection of SPZs, when in the past the Corps has accepted.
04 January 2013	County Commissioner Mariano's letter to the District Engineer -In his view, the County has provided inconsistencies concerning the HEA and NMFS should explain why the results of the model produce completely opposite results.
15 February 2013	County Commissioner Mariano's letter to the District Engineer -Questioned what would the results of a HEA model run be in dSAY using the seagrass survey data in the project file?" Instead of addressing the results of the HEA model run as requested, the 31 January 2013 MFR questions the seagrass survey. -It is unfair to expect the County to continually update the survey; survey was not questioned in 31 January letter nor at any time in the 6 years

	since it was provided; seagrass surveys were conducted based on FFWCC guidelines; no data for Zone 0 because no dredging will be done in that area;
18 March 2013	County Commissioner Mariano's letter to the District Engineer -Requested the District Engineer's personal involvement in mediating the pending permit review; He identified that his letter answers all the questions asked by Corps regulatory staff, but that significant areas of the review remain unaddressed. He expressed the opinion that they were not getting a fair unbiased review from some of the District's regulatory staff, and that the -Project review was being conducted with a personal bias that is counter to public interest, the Corps' Congressional mandate, and undermines the credibility of the Corps' regulatory program.
29 April 2013	-Applicant provided a revised site plan eliminating the 3.78 acres of wetland impacts associated with the beach parking area.

h. Additional comments received:

1. The Corps received approximately 4,103 electronic petition emails between 10 September through 19 September 2012 requesting the denial of the SunWest Dredge Project. The petition email stated that while the proposed dredging is supposedly intended to benefit Pasco County residents with a planned county park, it appears to be mostly for the benefit of future residents of the SunWest Harbourtowne resort. The petition further states that there has been a push to evaluate the mega-resort and county park as independent project, but the projects are not independent. The petition states that a real estate listing for SunWest Harbourtowne states that it will be the "first and largest Gulf channel to be permitted in over 50 years." The petition states that if the dredge project was meant to benefit residents of Pasco County and not the future residents of the mega-resort, there is no evidence that additional boat access to the Gulf of Mexico is needed. The petition states that the project does not have sufficient mitigation for the estimated impacts to seagrass habitats.
2. The Corps received approximately 1,615 electronic petition emails between 13 September through 03 October 2012 requesting denial of the SunWest Park Application. The petition email indicated that the specific concern was that a thorough review of the impacts this project may have on manatees and their habitat was not performed. The petition further states that USFWS concluded that if certain measures were conditioned in the permit, including year-round idle and slow speed zones near the facility, educational signage, seagrass protection zones, boater education, and enforcement, manatees would be adequately protected and the effect determination could be reduced to "not likely to adversely affect the manatee." However, the majority of the speed zones were not approved by the Florida Fish and Wildlife Conservation

Commission (FWC). The petition states that when asked to consult again on the project, USFWS did not change their previous conclusion. The petition states that it would seem that a reduction in the protective measures conditioned to reduce the impacts to manatees should have resulted in a change in the level of impact. However, this was not seen. The petition states that the project would put manatees in serious danger and would cause permanent damage to aquatic resources. The petition states that the review by federal agencies was inadequate and the sighting data by local citizens should be considered viable data. It is clear this location is frequently used by manatees and is an important habitat for their survival.

3. The Corps received approximately 5,148 electronic petition emails between 11 April 2012 and 10 May 2012 requesting denial of the SunWest Harbourtowne application to dredge a nearly five mile long, 85 foot wide mega channel through Fillman Bayou. The petition states that while the stated intention of the proposed dredging operation is to benefit Pasco County residents via a proposed county park, it appears to be mostly for the benefit of the future residents of the planned SunWest-Harbourtowne mega-resort. The petition states that the SunWest-Harbourtowne developer has insisted that the mega-resort and county park projects are independent and should be evaluated separately, but the facts do not bear this out. A real estate listing for SunWest-Harbourtowne brags that it will be "the first and largest Gulf channel to be permitted in over 50 years," and the SunWest-Harbourtowne website acknowledges that "central to the resort community is deep-water boat access." The petition states that the project does not provide the required, minimum 2 to 1 seagrass mitigation; it proposes the use of the sides of the channel itself as a Seagrass Protection Zone; it contains no assurances for the successful regrowth of seagrass; and it does not provide ongoing monitoring. The petition states that in March 2011, the Florida Department of Environmental Protection estimated that Florida's coastal seagrass contributed \$40 billion to the state's ecological services. It also estimated that Florida coastal seagrass acreage dropped from 5 million acres in the 1950s to 2.7 million acres in 2000, with another loss of half a million acres in the last 10 years. The petition states that seagrass provides nurseries for fish, shellfish and crustaceans. Without them Florida would experience a huge economic and ecosystem loss. The petition states that this area in particular is fed by freshwater springs that provide a warm-water refuge and fresh water resource for Florida's beloved manatees.
4. On 18 September 2012, the Corps received four (4) separate emails containing a survey which asked individuals if first time visitor, Pasco County Resident and why or why not in support of the project. A total of 98 responses were received in which all were supportive of the project. Comments expressed that the proposed project would be beneficial for the local economy and provide a family oriented facility.

5. Public citizens and Non-profit organizations comments received during the review process summarized in Table 10 below:

Table 10: Summary of Additional public comments

Name & Date	Issue
Hazel Collard, 07 April 2008	<ul style="list-style-type: none"> -Traffic concerns -pollution and decrease in marine species production -requested that the Pasco Park and SunWest development projects be denied. -Requested a public hearing
George Gibbons, 07 April 2008	<ul style="list-style-type: none"> -Object to the proposed project -Traffic concerns -Requested a public hearing
Richard Sommerville, 23 February 2010	<ul style="list-style-type: none"> -Raised concerns associated with the proposed SunWest Harbortowne project -Stated that Hudson channel is an alternative to the SunWest Channel. -Raised concern about who was to pay for the dredging of the channel. -Reported that SunWest would pay for the first dredging. Questioned who would pay for subsequent dredging.
Mac Davis, Gulf Coast Conservancy, 18 May 2011	<ul style="list-style-type: none"> -Provided an overview of the outcome from the Cabinet Meeting for the proposed project -Request denial of the project
Carol Gula, 29 July 2011	<ul style="list-style-type: none"> -Informed that the FDEP permit was issued for the project and checking on the Corps status of the application.
Gulf Restoration Network, 30 November 2011	<ul style="list-style-type: none"> -Concern with the proposed dredge project, inadequate mitigation, and potential primary, secondary and cumulative negative impacts to Fillman Bayou and the surrounding coastal habitat. -The size and scope of this project is unprecedented and should at a minimum, require an Environmental Impact Statement. -Requested denial of the proposed project. -Project is not in the Public Interest; project will cause adverse impacts to fish and wildlife resources, public recreation and navigation, and may interfere with the riparian rights of adjacent property owners. -Seagrass beds are unnecessarily impacted; the Nature Coast is cherished by locals as well as tourists for its undisturbed beauty, area accounts for between 25% and 33% of the total commercial blue crab fishery landings in Florida and supports the largest recreational scallop fishery in the State. -Mitigation is incomplete and inappropriate; discrepancies in the impact to seagrass when comparing the draft FDEP permit to the public notice, out-of-kind habitat swaps are inappropriate and unacceptable. -Legitimate problems, issues, discrepancies, and impacts have not been resolved; maps poor quality, manatee monitoring plan is incomplete, numerous direct and cumulative negative impacts to this coastal ecosystem, SAV impact acreage discrepancies, mitigation plan proposes out-of-kind mitigation through wetland creation and water quality improvements, and size and scope of this project is enormous

	<p>-Direct environmental impacts associated with dredging activities include; destruction of SAV and wetland habitat, immediate loss of Essential Fish Habitat (EFH), decrease in water clarity, disruption of hydrodynamic patterns which lead to decreases in water quality and further damage to the remaining or surrounding seagrasses, increased turbidity and boat wakes cause decrease of light penetration into the water which further reduces seagrass growth and survival.</p> <p>-Indirect and secondary environmental impacts; increased noise from dredging, increased ongoing noise from boat traffic and larger boats, changes in marine habitats by the changing nature of the waterway, release of contaminants from bottom sediments, mines, residential and boat runoff, greater surge and wave action.</p> <p>-Cumulative impacts; alterations in aquatic species composition, reduced nursery function and reduced recreational (scallops, tarpon, snook) fishery catches, potential for additional development in the area.</p> <p>-Other natural resource issues; development in a flood plain and increasing the likelihood of storm-related damage, fertilizers and stormwater runoff contributing excess nitrogen pollution and other chemicals to sensitive salt marsh, impacts to other listed species, validity of any State of Florida requirements for ensuring the public trust if FDEP issued a permit with no mitigation plans, State plan does not have a mitigation plan at this time.</p> <p>-Requested that an Environmental Impact Statement (EIS) be completed</p> <p>-Requested that the permit be denied.</p>
<p>Sierra Club, Suncoast Group, 06 December 2011</p>	<p>-Concern with the proposed dredge project, inadequate mitigation, and potential primary, secondary and cumulative negative impacts to Fillman Bayou and the surrounding coastal habitat.</p> <p>-The size and scope of this project is unprecedented and should at a minimum, require an Environmental Impact Statement.</p> <p>-Requested denial of the proposed project.</p> <p>-Project is not in the Public Interest; project will cause adverse impacts to fish and wildlife resources, public recreation and navigation, and may interfere with the riparian rights of adjacent property owners.</p> <p>-Seagrass beds are unnecessarily impacted; the Nature Coast is cherished by locals as well as tourists for its undisturbed beauty, area accounts for between 25% and 33% of the total commercial blue crab fishery landings in Florida and supports the largest recreational scallop fishery in the State.</p> <p>-Mitigation is incomplete and inappropriate; discrepancies in the impact to seagrass when comparing the draft FDEP permit to the public notice, out-of-kind habitat swaps are inappropriate and unacceptable.</p> <p>-Legitimate problems, issues, discrepancies, and impacts have not been resolved; maps poor quality, manatee monitoring plan is incomplete, numerous direct and cumulative negative impacts to this coastal ecosystem, SAV impact acreage discrepancies, mitigation plan proposes out-of-kind mitigation through wetland creation and water quality improvements, and size and scope of this project is enormous</p> <p>-Direct environmental impacts associated with dredging activities include; destruction of SAV and wetland habitat, immediate loss of Essential Fish Habitat (EFH), decrease in water clarity, disruption of hydrodynamic patterns which lead to decreases in water quality and further damage to</p>

	<p>the remaining or surrounding seagrasses, increased turbidity and boat wakes cause decrease of light penetration into the water which further reduces seagrass growth and survival.</p> <p>-Indirect and secondary environmental impacts; increased noise from dredging, increased ongoing noise from boat traffic and larger boats, changes in marine habitats by the changing nature of the waterway, release of contaminants from bottom sediments, mines, residential and boat runoff, greater surge and wave action.</p> <p>-Cumulative impacts; alterations in aquatic species composition, reduced nursery function and reduced recreational (scallops, tarpon, snook) fishery catches, potential for additional development in the area.</p> <p>-Other natural resource issues; development in a flood plain and increasing the likelihood of storm-related damage, fertilizers and stormwater runoff contributing excess nitrogen pollution and other chemicals to sensitive salt marsh, impacts to other listed species, validity of any State of Florida requirements for ensuring the public trust if FDEP issued a permit with no mitigation plans, State plan does not have a mitigation plan at this time.</p> <p>-Requested that an Environmental Impact Statement (EIS) be completed</p> <p>-Requested that the permit be denied.</p>
<p>Save the Manatee Club, 08 December 2011</p>	<p>-letter references SAJ-2007-05788 (SunWest Park); however referred to the project as SunWest Harbourtowne Project</p> <p>-Request that the project be denied</p> <p>-Deeply concerned with the proposed creation of a new 3.1 mile channel which would impact 27.4 acres of SAV, in addition to separate wetland impacts.</p> <p>-Indicated that in a 14 January 2011 Florida Fish and Wildlife Conservation Commission letter to FDEP cited that "extensive continuous seagrass and algal resources are found off the coastline of the project site" and only low to moderate seagrass scarring has been reported, highlighting the relative health of resources in this area lack of intense boat use.</p>
<p>Gulf Coast Conservancy, 21 December 2011</p>	<p>-Previously provided comments dated February 2008 and May 2011 and enumerated and reiterated objections to the proposed dredge project.</p> <p>-Pasco County, as co-Applicant has taken the position that the dredge is a necessary amenity for the public Pasco SunWest Park, which is not true. Fillman Canal is adequate to serve the needs of local inshore fisherman. The length and depth of the proposed dredge is designed to serve the private marina envisioned for the SunWest Harbourtowne development.</p> <p>-Damage to inshore eco-systems has been grossly understated by the Applicant.</p> <p>-Proposed mitigation plan is a hodge-podge of projects of little intrinsic value and scant relation to the impacts proposed.</p> <p>-Request denial for the requested dredge and allow Pasco County to construct a park that is a public amenity unencumbered by requirements tailored to a private development.</p>
<p>Kallie Roberts, 22 December 2011</p>	<p>-Request the Corps deny SunWest Harbourtowne and SunWest Park Project in Pasco County.</p> <p>-Concerned with the creation of a new 3.1 mile channel which would impact 27.4 acres of SAV and separate wetland impacts.</p>

	-Expressed concern for the impact that the project may have on manatees.
Jack Leishman, 24 December 2011	-Letter is in response to a January 23 article in the Pasco Times addition to the St. Petersburg Times. -The dredged channel will only be a temporary impact to the remaining superb natural coast. The area is immense with skinny water that will remain viable flats fishing grounds. -When the county park is completed, more boat traffic is expected, but given the current state of our country's economy, it is more important than ever to provide nearby access to the wonderful water resources.
Karen Smith, 26 December 2011	-Concerned member of the public requested denial of the proposed project. -Application lacks a detailed, viable mitigation plan, based on science and experience to offset anticipated primary, secondary and cumulative losses to EFH. -Should permit be issued, a comprehensive mitigation and monitoring plan, acceptable to NMFS, should be executed prior to initiation of dredging. The mitigation should result in replication of not less than 54 acres of the seagrass environment.
Lewis Environmental Services, Inc. 26 December 2011	-Provided comments on a pro bono basis as a result of conversations with Karen Smith. -Certified Professional Wetland Scientist, consultant to both private and public agencies for forty years on the subjects of tidal marsh, mangrove forest and seagrass meadow ecology, management and restoration and served as an expert witness on these subjects in a number of public hearings, administrative hearings, and court cases, including serving as an expert witness for the US Department of Justice, published over 100 reports and scientific papers. -Reviewed the Applicant's submittals and the comments by the Corps and the NMFS and their senior seagrass expert, Dr. Mark Fonseca and various responses by the Applicant including the 16 December 2011 letter from Pasco County. -Lack of very specific critical details about the proposed mitigation indicates to me that planning for successful mitigation by professionals experienced in the essential aspects of seagrass, marsh and mangrove mitigation is lacking and therefore success of the proposed mitigation is doubtful. -A consultant proposing to do a successful mitigation project must do his or her homework and provide permitting and review agencies with enough scientific background and support for a proposed mitigation program, and details on techniques and methodologies to allow for adequate evaluation of the changes for successful completion of a mitigation program. -Suggest working with the permitting and review agencies to resolve the issues that have been raised. As a minimum, the amount of proposed seagrass mitigation would need to be substantially increased to take into account the likely failure of portions of it to achieve specific quantitative success criteria. For example, Port Manatee Seagrass Mitigation when portions did fail, it had enough extra mitigation that was successful to meet the permit required success criteria. -Suggest that the Corps refrain from issuing any permits for this project

	<p>until all the issues that have been raised by citizens and review agencies are satisfactorily answered such that the proposed project could be characterized as likely having a net-benefit to the submerged coastal resources of Pasco County.</p>
<p>Thomas Reese, 28 December 2011</p>	<ul style="list-style-type: none"> -Representing and writing on behalf of the Florida Wildlife Federation (FWF) -Requests that the Corps deny applications of Pasco County Board of County Commissioners (County) for SAJ-2007-05788 and SunWest Acquisitions, Inc (SunWest) for permit application SAJ-2007-05771 because of substantial and unacceptable adverse environmental impacts of the joint project to the productive coastal waters of Pasco County, waters that are EFH and ARNI. -Summary of the FFWF objections; dependent projects, NEPA EIS, Practicable alternatives, not in public interest, cumulative and secondary impacts, minimization, no dredge hole mitigation, and inadequate seagrass mitigation. - There is not sufficient and proper documentation that the proposed facilities in the application must be contiguous to other development in the area. -Requested a public hearing
<p>Center for Biological Diversity, 04 January 2012</p>	<ul style="list-style-type: none"> -Comments submitted for SAJ-2007-05788(SunWest Park) and SAJ-2007-05771 (SunWest Harbourtowne) -Several concerns with the proposed project, namely the profound and cumulative impacts to essential fish habitat, submerged aquatic vegetation and Florida manatee. -The Pasco County and SunWest projects are interdependent; Corps should review the permit applications concurrently. -The County and SunWest have failed to provide reasonable assurance regarding minimization of the proposed project. -The filling of the dredge hole should not be accepted as mitigation. Dredge holes in this area have been documented to be productive fish habitat. -The proposed mitigation fails to provide reasonable assurance of seagrass mitigation, including inadequate ratios, failure to mitigate foreseeable cumulative and secondary seagrass loss from boat wakes and prop scars, failure to mitigate loss of interim seagrass resources, and reliance upon unfounded assumption of seagrass recolonization. -Availability of practicable alternatives; the project is not water dependent and the basic purpose is to construct a county park -Not in the public interest; the seagrass area is a unique, productive area. Its proposed destruction is unprecedented for this area. It is not in the public interest to adversely impact this area and create precedence for further loss of such unique areas. -Impacts to water quality; -Endangered Species Act and Magnuson-Stevens Act Compliance; project is located in a relatively undeveloped four mile stretch. Manatee mortality in Pasco County has resulted in two manatee deaths by watercraft this year. The connection of isolated waterways via boat lift or dredging to navigable waters will significantly increase the threats to the endangered Florida manatee, and will significantly undermine any attempts to assess

	<p>cumulative impacts to manatees, as is required by the MMPA. It is unclear how USFWS can concur that this project is not likely to adversely affect the manatee or how the Corps could lawfully approve the permit.</p> <p>-Impacts to seagrass; unprecedented for this area, extensive, continuous seagrass resources that provide habitat for commercially important species, success of mitigation activities cannot be assured, offsite mitigation would do nothing to support the aquatic communities damaged by this development.</p> <p>-National Environmental Policy Act Compliance (NEPA); relevance, impact areas with unique characteristics, highly controversial effects, may establish precedent for future actions with significant effects, result in cumulative effects, raise substantial questions as to whether the project may cause significant degradation of human environmental factors, and may adversely affect the endangered Florida manatee.</p> <p>-Cumulative Impacts;</p>
Richard Stauffer, 05 January 2012	<p>-Request the Corps deny the permit for a dredge for Sunwest</p> <p>-Dredging for trailerable boats is not necessary; one mile north in Aripeka is a boat launch ramp on an undredged channel that has been used for over 50 years by both private and commercial boaters daily. Four miles north, Hernando County has finished dredging their channel, used by commercial and pleasure boats.</p> <p>-Fishing in the area of proposed dredging is highly desirable to local fisherman and many guide boats.</p> <p>-The dredge is only meant to benefit potential developers who may attract boats that won't be trailered and need deeper water.</p>
Dave Parker, 27 February 2012	<p>-Urge the Corps to veto the proposed proposal.</p> <p>-The so-called "jobs" that would be created by this project would be either construction jobs (which would cease upon completion) or low paying concession type jobs.</p> <p>-Owners of the SunWest property have for years been trying to get a Commissioner or Commissioners to support their mega development called SunWest Harbourtowne.</p> <p>-Boat ramps and facilities are available both in Hernando Beach and Hudson Beach.</p>
Save the Manatee Club, 02 April 2012	<p>-Receipt of 48 individual signed petition postcards generated by Save the Manatee</p>
Karen Smith, 05 April 2012	<p>-Request Corps to deny the permit application for SAJ-2007-05788 because of substantial and unacceptable adverse environmental impacts of the joint project to the productive coastal waters of Pasco County, waters that are EFH and ARNI.</p> <p>-Provided sixteen (16) reports of manatee sightings demonstrating the abundant presence of the endangered manatee in the Fillman Bayou and adjacent Aripeka waters.</p>
Karen Smith, 09 April 2012	<p>-A courtesy copy of concerns provided to the USFWS which requested re-initiation of formal consultation, new information and research data summary of a 5-day survey that resulted in the documented current and historical sightings of 52 manatee including 2 calves.</p>

<p>Karen Smith, 19 April 2012</p>	<p>-Provided two separate letters, discussing lack of boats within Fillman Bayou and the Hudson Beach SPZ which documented boat traffic within the Hudson Beach SPZ.</p>
<p>Tampa Bay Sierra Club and Suncoast Sierra Club, 21 April 2012</p>	<p>-Joint letter from the Tampa Bay and Suncoast Sierra Clubs requesting denial of the project. -Permit application lacks a viable mitigation plan and two renowned seagrass experts have predicted that the current mitigation plan is likely to fail. -Documented 16 boats in the SPZ along the Hudson Beach Channel which attests to the ineffective use of "seagrass area" signs to keep motorized vessels out. -Concerns with the dredging and impact on the manatee population despite the USFWS conclusion that no incidental harm or takes of manatees is likely to occur. -A needs analysis should be conducted including a current Pasco County population, boater registration trends and valid survey and analysis of demand for deep water boat access for Pasco County residents.</p>
<p>Center for Biological Diversity 27 April 2012</p>	<p>-Submitted 20,863 signatures on a petition sponsored by the Center for Biological Diversity and hosted at Care2.com. -Individuals expressed opposition to the SunWest dredging plan in Fillman Bayou.</p>
<p>Clay Colson, 15 May 2012</p>	<p>-Requested that the communication dialogue between County Commissioner Mariano and Mr. Colson be made a part of the Corps administrative record ("AR"). -Requested the re-issuance of updated public notice to account for changes to the application which the public is unaware of.</p>
<p>Clay Colson, 22 May 2012</p>	<p>-Reiteration of concerns identified in the 15 May 2012 correspondence to the Corps.</p>
<p>Congress of the United States, joint letter signed by Congressman Gus Bilirakis, Congressman Richard Nugent and Congressman C.W. Bill Young, 07 June 2012</p>	<p>-Wrote to express support for the SunWest Park and Channel project in Pasco County, Florida. -Requested that the Corps ensure that the permit review is conducted fairly, consistent with policy and provide Pasco County, Florida with a permit decision prior to your change of command. -This is not the first channel permitted in the area but it appears the review process has changed course as the permit application has been evaluated. -The project has been subjected to review using multiple methods with changing criteria; we urge you to make certain the County is being treated fairly, using existing policies. -Please ensure for us that the County's mitigation plan evaluation is science-based, consistent with the mitigation standards used previously for permit issuance and follows Federal requirements to protect our aquatic resources. -Public interest in the park and access to the Gulf is overwhelming.</p>
<p>Karen Smith 11 June 2012</p>	<p>-Provided approved County task orders for the SunWest project (Phase 1A construction and evaluation of two options (bridge or culverts) at the Strauber Memorial Highway which is proposed mitigation area.</p>

<p>Save the Manatee Club, 03 July 2012</p>	<p>-Courtesy Copy of letter sent to the USFWS, Regional Director, referenced permit application number SAJ-2007-05788; however referred to the project name as SunWest Harbourtowne instead of SunWest Park. -Inform agency of the new corroborating manatee sighting data in and around the SunWest Harbourtowne Project in Pasco County. Data was collected by concerned citizens; the data is consistent with expected manatee use within the sphere of influence of the proposed project. -Concerns about the adverse impacts this project would inflict upon submerged aquatic resources and the lack of adequate mitigation plan to compensate for proposed damages and future threats from foreseeable operations of the proposed facilities.</p>
<p>Richard Sommerville, on behalf of Citizens for Sanity, Pasco County, Inc. and the Suncoast Group of the Sierra Club, 15 July 2012</p>	<p>-Requested a new public notice detailing the new mitigation proposal.</p>
<p>Karen Smith, 26 September 2012</p>	<p>-Provided additional manatee sighting information in the SunWest Mine Channel within a 10-day period.</p>
<p>Florida Wildlife Federation, 03 October 2012</p>	<p>-Requests denial of the permit application. -Dependent projects must be reviewed by the Corps. The Corps must deem the Pasco County boat channel and the SunWest marina/boat lift to be dependent projects. -Corps must prepare an EIS. The proposed SPZ has no mandated or guaranteed funding for enforcement. -Project will result in significant cumulative effects, including seagrass loss due to boat wakes and prop scars. -Practicable alternatives to the SunWest Marina Resort and to the Boat Channel. -Not in the public interest -Cumulative and secondary impacts; increase in prop scars, seagrass loss due to increased wave action, water quality degradation. -Minimization of the number of motorboats that can be launched into the motorboat channel -Dredge-hole mitigation; no analysis has been provided of the current fisheries habitat value of the dredge hole. -Inadequate Seagrass mitigation; fails to prove reasonable assurance of seagrass mitigation -Requests a public hearing</p>
<p>Seminole Tribe of Florida, Tribal Historic Preservation Office, 04 October 2012</p>	<p>-Received the public notice and have no objection to the proposal. -Request to be informed if cultural resources that are potentially ancestral or historically relevant to the Seminole Tribe of Florida are inadvertently discovered during the construction process.</p>
<p>Richard Sommerville, on behalf of Citizens for Sanity, Pasco County, Inc., 21</p>	<p>-Indicated that County approved plans to change the design of SunWest Park to include a soccer field, volleyball court and water dependent structures such as a ramp and a dock. -Referred to previous September comment letter on alternative analysis;</p>

<p>November 2012</p>	<p>concern is parking and statement that portions of the future boat ramp parking to be used for general passenger vehicle parking to serve the future retail. -Proposal to add water dependent activities</p>
<p>Richard Sommerville, on behalf of Citizens for Sanity, Pasco County, Inc., 10 December 2012</p>	<p>-Supplement comments dated 17 September 2012 on the Alternative Analysis -Purpose of comment is to show the Applicant's inconsistencies, omissions, and misrepresentations with regard to the Anclote River Park and Anclote Gulf Park and the question on the need for a Boat Access Park (BAP) at SunWest Park. -Anclote River Park was omitted or misrepresented in the 2011 Alternatives Analysis; Applicant failed to mention the overflow parking lots; parking lot capacity in question; should consider this as a practicable alternative to SunWest Park. -Anclote Gulf Park should be considered as a practicable alternative; the Applicant did not consider it or identify it as a potential alternative. -Requested a public hearing</p>
<p>Richard Sommerville, on behalf of Citizens for Sanity, Pasco County, Inc., 28 December 2012</p>	<p>-Supplement to previous comment letter dated 17 September 2012 -Provided additional alternatives that should be considered as part of the alternative analysis.</p>
<p>Richard Sommerville, on behalf of Citizens for Sanity, Pasco County, Inc., 30 January 2013</p>	<p>-Supplement to previous comment letter dated 17 September 2012 and comprised mostly of photographs and aerials to reinforce arguments stated in original comment letter and to show more possible alternatives to the Boat Access Park (BAP) proposed at SunWest Park.</p>
<p>Richard Sommerville, on behalf of Citizens for Sanity, Pasco County, Inc., 13 February 2013</p>	<p>-Supplement to previous comment letter dated 10 December 2012 (Anclote Comment). -Previously indicated that an area could be developed into a parking lot for vehicles and trailers as an alternative to the SunWest BAP. At the present time this might be unwise because of the location of a bald eagle nest in the middle of the property.</p>
<p>Karen Smith, 15 February 2013</p>	<p>-Information regarding the need for the proposed SunWest Boat Access Park (BAP). -Adding recent and current economic conditions, together with new and recent historical data to the Applicant's model shows that not only is additional capacity not needed, but would cause significant economic damage to existing BAP communities, as well as result in added costs to the county without compensating revenue. -Recent and current boating economy; demand for Pasco County BAP remains trending downward. Pleasure boat registrations in Pasco county consistently decreased from 2006 through 2011 with a cumulative 4 year decline of -13.7%; 2011 data is at a 10-year low (22,723) below year 2002 at 22,958. -Introduction of additional BAP capacity will damage existing communities; Pasco county maintains that the current capacity is 184 boats per day; this appears to be the number of parking spaces for vehicles with trailers in</p>

	<p>primary BAP lots and ignoring available overflow parking options.</p> <ul style="list-style-type: none"> -Migration of Pasco County BAP access fees of \$5/boat is unaccounted for; traffic and accompanying boat access fees, migration from existing BAP's to a new BAP would result in a zero net revenue gain to the County budget, but increased net maintenance costs of an additional BAP. Increased costs with no balancing increase in revenue would clearly not be in the public interest.
<p>Citizens for Sanity, Pasco County Inc., 08 April 2013</p>	<ul style="list-style-type: none"> -Increase in level of threat to human life and property if the destruction of more than 27 acres is allowed and provided two U.S. Geological Service (USGS) studies. The increased threat is not in the public interest. -Canal has not been minimized to any meaningful extent such that a net loss of SAV and EFH would not occur, -Applicant has not made a good-faith effort to find less environmentally damaging alternatives that would achieve the basic project purpose by increasing the number of boat ramps and ramp parking spaces at nearby properties currently available for purchase.
<p>Richard Sommerville, on behalf of Citizens for Sanity, Pasco County, Inc., 13 February 2013</p>	<ul style="list-style-type: none"> -Supplements previous comment letter dated 17 September 2012 -County should consider abandoning the BAP at SunWest in favor of a less environmentally damaging location or locations. -Comment shows possible alternatives near Strickland Park in Hudson, Florida which could be a good alternative to the SunWest BAP; this alternative would not need dredging since would use the Hudson Channel. -County claims it is independent from SunWest Harbourtowne. The cost of dredging the SunWest Channel might be borne by the County. Alternatives might cost less money since it has been estimated to cost \$6 or \$10 million to dredge SunWest.
<p>Richard Sommerville, on behalf of Citizens for Sanity, Pasco County, Inc. 24 April 2013</p>	<ul style="list-style-type: none"> -Comments to the Applicant's Alternative Analysis Revised March 2013. -Expressed concern with the size of the Boat Access Park (BAP). Suggests that the County should consider smaller parcels. -Expressed concern that the only controversial and the most environmentally damaging part of the SunWest Park is the four mile channel dredge. -Expressed concern that the Applicant's SAV impact analyses for the alternatives were completely subjective. -Recommended adding ramp lanes to existing parks. Expressed concern with the proposed seven lane boat ramp and the Applicant has not considered minimizing the number of lanes.

i. Requests for public hearings during the public notices:

Table 11: Public Hearing Requests

Name	Date of Public Hearing Request	Date Corps Acknowledged Receipt of Public Hearing Request
Ann Colucci	01 February 2008	20 February 2008
Gulf Coast Conservancy	19 February 2008	20 February 2008
Richard Sommerville	18 March 2008	25 March 2008
Hazel Collard	07 April 2008	
George Gibbons	07 April 2008	
Albert Hiller/Signal Cove Owners, Inc.	20 April 2011	20 April 2011
Gulf Coast Conservancy	09 May 2011	09 May 2011
Janice Howie	10 May 2011	12 May 2011
Florida Wildlife Federation	28 December 2011	
Florida Wildlife Federation	03 October 2012	04 October 2012
Richard Sommerville, Citizens for Sanity, Pasco County, Inc.	10 December 2012	11 December 2012

6. Alternative Analysis.

a. Basic and Overall Project Purpose (as stated by the Applicant and independent definition by Corps). Same as Project Purpose in Paragraph 2. Revised:

b. Water Dependency Determination:

Same as in Paragraph 1.

Revised: *The Applicant proposes to impact 3.85 acres of jurisdictional wetlands for the construction of parking associated with the proposed public recreation area (Beach Access) which is a component of the proposed basic project purpose "County Park". The Corps determined that the basic project purpose is not water dependent and, therefore, the presumptions in the 404(b)(1) Guidelines apply to the determination of least environmental damaging practicable alternative (LEDPA).*

Table 12: Water Dependency Determination

Proposed Activity	Water Dependency Determination	Discharge of fill material	Authority
Public 7-lane Boat Ramp	Yes	0.05 acres *	Section 10/404
3 - 408 sf accessory docks	N/A		Section 10
Culvert replacement underneath berm on north side of the boat ramp	No	Refer to boat ramp	Section 404
2,700 sf marginal dock to provide approximately ten (10) temporary mooring slips for the boat ramp	N/A		Section 10
3 - stairways to provide access from uplands to the marginal dock	No		Section 404
Floating kayak/canoe dock	N/A		Section 10
2- pedestrian bridges and an observation pier within an existing mine pit	No		Section 404
Manatee observation tower	No		uplands
Public swimming beach area along the shoreline of an existing mine pt	No		Non-jurisdictional
Approximately 8,000 linear feet of crushed shell for hiking trails	No		uplands
Restrooms and picnic tables	No		uplands
Boat Parking - 250 parking spaces for vehicles with trailers	No		uplands
Parking - 219 parking	No	3.78 (Wetlands	Section 404

spaces for vehicles		PC1)	
Surface water management system to treat stormwater runoff from 13.32 acres of impervious surfaces within the park	No	0.017 (Wetlands 25, 27, 28)	Section 404
Total		3.85 acres of discharge into wetlands	

Applicant's preferred alternative site and site configuration. Same as Project Description in Paragraph 1. Identified in the revised alternative analysis dated 18 March 2013. Revised:

c. Criteria.

According to the Applicant's Alternative Analysis dated 18 March 2013, the Applicant indicates an initial review of available coastline parcels demonstrated that without a minimum parcel size of 100 acres, the likelihood of achieving 25 acres of generally consolidated upland to meet the project purpose was unlikely. The Applicant states that a Boat Access Park (BAP) requires a minimum of 10 acres (Master 2001). The Applicant stated that the figure does not account for stormwater requirements, nor does it account for road access to suitable parcels. The Applicant weighed the proposed criteria and gave a possible score of one (1) to three (3), with three (3) being the best.

Table 13: Applicant's Proposed Criteria

Criteria	Measure and/or constraint
Wetland Impacts	<p>Potential impacts to resources - 25 acres of generally consolidated footprint are required for the intended facilities.</p> <p>3 - Records review and map reconnaissance indicates that generally consolidated accessible uplands are available to meet the requirements of the park facilities without significant impacts to wetlands.</p> <p>2 - Records review and map reconnaissance indicates that generally consolidated accessible uplands, or significantly impacted wetlands are available to meet the requirements of the park facilities with impacts to undisturbed wetlands.</p> <p>1 - Records review and map reconnaissance indicates that generally consolidated accessible uplands with the addition of previously impacted wetlands are not available and significant high quality wetlands will be impacted to meet the requirements of the park facilities.</p>

<p>Location</p>	<p>Must be located in the Pasco County Political boundaries and preferably in the northern half of the County where public gulf access is limited.</p> <p>3- Property is located south of the northern county line and North of Hudson Avenue 2 - Property is located South of Hudson Avenue and North of the Port Richey channel 1 - Property is located south of the Port Richey Channel and North of the Pasco County southern county line</p>
<p>Ownership</p>	<p>Make maximum use of existing County owned property.</p> <p>3 - Property required for county park is solely owned by Pasco County 2 - 75% of the required property (100 acres minimum plus acreage required for access if necessary); with up to 25% not owned by Pasco County but which could reasonably be acquired 1 - No portion of the required property is owned by Pasco County</p>
<p>Gulf Access (intended to include a measure of resource impacts)</p>	<p>Criteria rankings are based on available information from map reconnaissance. The evaluation included a level of subjective assessment as no on-site evaluations were conducted and width, depth, suitability and/or presence of resources that may be impacted could potentially be significantly different than expected. Evaluation criteria was based on the existence of a channel, a partial channel, or no channel; giving a subjective measure of the likelihood of SAV impacts that might be expected for the evaluated parcel.</p> <p>3 - An existing deep-water channel abuts the property and could potentially provide Gulf access with little additional dredging 2 - A partially existing channel abuts the property and, with additional widening or lengthening could potentially provide Gulf access. 1 - No identifiable channel abuts the property.</p>
<p>Infrastructure</p>	<p>Must include necessary infrastructure, this includes road access and access to basic utilities necessary for basic park facilities (electric, water)</p> <p>3 - Property is accessible by road and within 1.5 miles of a paved, non-residential road for access and has reasonable access to basic utilities 2 - Property is accessible by road and within 1.5 miles of a paved, residential road and has reasonable access to basic utilities 1 - Property is not currently accessible by road and/or has no reasonable access to basic utilities</p>

The Corps has independently reviewed the Applicant's criteria and in order to determine practicability, the Corps took into consideration 1) cost; 2) existing technology; 3) logistics in light of overall project purpose. (40 CFR 230.3(q)) An alternative is practicable if it is available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes. If it is otherwise a practicable alternative, an area not presently owned by the applicant which could reasonably be obtained, utilized, expanded or managed in order to fulfill the basic purpose of the proposed activity may be considered. (40 CFR 230.10(a)(2)) For the Section 10 regulated activities (see Table 6:

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

Water Dependency Summary), the water dependency presumptions found in 40 CFR 230.10(a) do not apply. Based on a review of the criteria and the measurement and/or constraint proposed by the Applicant, the Corps has determined that the proposed criteria are not reasonable to determine practicability and to reach the least environmentally damaging practicable alternative (LEDPA) and, therefore, the following criteria will be used to evaluate the parcels.

Table 14: Corps Independent Analysis Criteria:

Issue	Measurement and/or constraint	Rationale
Parcel Size	10 - 25 acre parcel	According to Pasco County Parks and Recreation Plan, a minimum of 10 acres is needed for a Boat Access Park (BAP); however may be stand alone or integrated with other park types. The Applicant is proposing a county park in addition to the BAP; the Corps found it reasonable to expand the minimum range to accomplish the overall project purpose to 25 acres.
Wetlands	Acres of impacts to jurisdictional wetlands	This is the basis for the Corps 404 jurisdiction; wetlands are special aquatic sites.
Accessibility to the Gulf	Navigable access to the Gulf of Mexico	This is part of the overall project purpose
Submerged Aquatic Vegetation (SAV) Impacts	Direct impacts to SAV	SAV are special aquatic sites
Infrastructure	Accessibility to roads and utilities	Logistics

d. Off-site locations and configuration(s) for each. The following table provides a summary of the alternatives evaluated.

Table 15: Off-site Alternatives Analysis

Alternative	Rejected or Accepted (Practicability)	Comments
1. Anclote Gulf Park	Accepted	Refer to Alternative 26
2. Old Dixie Highway	Rejected	Refer to Alternative 27
3. Anclote River Park (Parcel #9)	Accepted	Refer to Alternative 21
4. Eagle Point Park (Alternative 11 Parcel D)	Accepted	Refer to Alternative 11
5. Nick's Park	Accepted	Refer to Alternative 23
6. Boat Access Park; separate location	Accepted	

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

7. City of Port Richey Waterfront Park	Accepted	Refer to Alternative 25
8. Parcel A	Accepted	
9. Parcel B	Accepted	
10. Parcel C	Accepted	
11. Parcel D (Eagle Point)	Portions of Alternative 11 - Rejected	Portions of the Parcel include Alternative 4 (Eagle Point Park) which has been accepted
12. Parcel E	Accepted	
13. Parcel 1	Rejected	
14. Parcel 2	Accepted	Incorporated into Parcel A review
15. Parcel #3	Rejected	
16. Parcel #4	Rejected	
17. Parcel #5	Rejected	
18. Parcel #6	Rejected	
19. Parcel #7	Rejected	
20. Parcel #8 - Pasco County Power Plant Parcel	Portions of Alternative 20-Rejected	Portions of the Parcel include Alternative 1 Anclote Gulf Park which has been accepted
21. Parcel #9 (See Alternative # 3)	Accepted	
22. Parcel #10 Robert Strickland Memorial Park	Rejected	
23. Parcel #11 Nick's Park (See Alternative #5)	Accepted	
24. Parcel #12 Sims Park	Accepted	
25. Parcel # 13 City of Port Richey Waterfront Park (See Alternative #7)	Accepted	Refer to Alternative 7
26. Parcel #14 Anclote Gulf Park (See Alternative #1)	Accepted	Refer to Alternative 1
27. Parcel #15 Old Dixie Highway (See Alternative # 2)	Rejected	Refer to Alternative 2
28. Parcel #16 Aripeka Palm Island in Hernando County	Rejected	

Alternative 1 - Anclote Gulf Park - Anclote Gulf Park is located approximately one-mile north of the Anclote River Park. This site is located immediately north of "Parcel 8" identified in the Applicant's September 2011 alternatives analysis. The park is owned by Pasco County, is 23 acres in size and includes an unimproved canoe/kayak launching area, dog park, fishing pier, playground, restrooms, picnic areas and shelters, and a boardwalk connecting the park to Key Vista Nature Park to the north. The waterfront park is located in the Anclote Anchorage, immediately north of the Anclote Power Plant, and is immediately adjacent to the Anclote Power Plant north canal. The canal is approximately 260 feet wide and a recreational vessel was observed utilizing the canal at the time of the inspection. Water depth within the canal is unknown; the proposed Anclote Dredge Hole mitigation area is nearby and during a May 2011 NMFS reconnaissance of the area, revealed water depths in the canal approximately 100 yards west of the Anclote Gulf Park were observed to be approximately seven (7) to eight (8) feet and did not contain SAV.

Based on Corps/NMFS observations, the existing south shoreline could be graded to accommodate a boat ramp, dock and associated infrastructure. Additional vehicle and trailer parking could be achieved through construction of a parking lot within an expansive, maintained grassy field located within the park. Given the observed width and presumed depth of the canal, it is anticipated this site is a potentially less environmentally damaging alternative that could provide additional boat access to the Gulf of Mexico with minimal wetland impacts (shoreline). Furthermore, it appears based on Corps/NMFS observations that this site does not have other significant adverse environmental consequences in terms of SAV impacts as the proposed SunWest County park site does. In the 31 January 2013 Request for Additional Information, the Corps specifically requested that the Applicant provide "a chart or matrix indicating the SAV impacts (seagrass, macroalgae, oyster beds) and the total size of each SAV for each off-site alternative that Pasco County asserts as more environmentally damaging than the proposed project."



Figure 3 - Alternative 1 - Anclote Gulf Park

The Applicant alleges, not that this alternative is more environmentally damaging than the Applicant's preferred alternative, but instead that this alternative is not practicable because it is not "permissible" due to impacts to the manatee. The site is located in a designated Important Manatee Area by the USFWS; due to its location and proximity of the Anclote Power Plant that serves as a warm refuge for Manatees. Based on the Corps' review of the 2011 Manatee Key, which is utilized to assist in consultation with the USFWS, the Corps determined that locating the project at this off-site alternative would result in a "may affect" determination and require formal consultation with the USFWS. It is unknown at this time as to what the result of the consultation process would be. However, the 11 August 2009 USFWS concurrence letter stated that Pasco County does not have a State-approved or Federally-approved Manatee Protection Plan. For the last ten (10) years, all eight (8) of the watercraft-related manatee deaths in Pasco County have occurred at or near the mouth of

the Pithlaschascotee River or the Anclote River. These rivers are the primary source of watercraft in Pasco County. The location within a designated Important Manatee Area doesn't necessarily mean that the alternative is not "permissible" or more environmentally damaging therefore, the Corps has determined that Alternative 1 would meet the project purpose and is deemed practicable and carried further in the analysis.

Alternative 2 - Old Dixie Highway (Alternative 27) - Using the selection criteria of accessibility to the Gulf of Mexico, this site was initially identified by Corps/NMFS staff using Google Earth software. During a 14 January 2013 field inspection, a small private boat ramp was discovered, which is solely for the use of residents of the Rainbow Palms residential community. The canal is approximately 45 feet wide and provides access to the Gulf of Mexico. It contains many single family dock structures and moored vessels. There is a vacant lot at the terminal end of the canal. This area was identified as an alternative by a public commenter. The commenter suggested that the parcel along Gulf Way could be utilized as a parking lot. For instance, it could be a similar scenario as at the Robert Strickland boat ramp, where boaters pull out onto Clark Street after launching vessels and travel down Clark Street in order to park the boat trailer in the designated area. During the 14 January 2013 site visit, a privately held parcel was observed immediately across the street from the canal front lot, which was for sale.



Figure 4 Alternative 2 - Old Dixie Highway

In the Applicant's revised 18 March 2013 alternative analysis, the Applicant stated that this site was not previously identified because it did not meet the Applicant's search criteria. The Applicant stated that the existing residential canal offers 30 feet or less of horizontal clearance between private structures (boat lifts and docks) at multiple points for the first 2,500 feet of the canal. The Applicant has indicated that the site does not have sufficient room to construct a Boat Access Park (BAP). The Corps has independently reviewed this statement. According to Pasco County's 2001 Recreation Master Plan, a minimum of 10 acres is needed to construct a BAP. By utilizing Google Earth, the Corps has determined that the three (3) parcels combined in this alternative equal approximately 5 acres. The site has an existing channel that is approximately 45 feet wide. The Corps has determined that Alternative 2 (aka Alternative 27) does not meet the parcel size criteria to meet the overall project purpose and is deemed impracticable and is not carried further in the analysis.

Alternative 3 - Anclote River Park (2011 Alternative Analysis, Alternative 21): According to Applicant's September 2011 Alternative Analysis, the Applicant has stated that this site provides no practicable opportunity for expansion because of the lack of space for expansion and potential impacts on the Manatee. During the Corps/NMFS field inspections on 16 October 2012 and 14 January 2013, the park was observed to have minimal weekday usage of the park's boat ramp. Corps/NMFS staff observed three County-designated overflow lots at the Anclote River Park, two for vehicles with boat trailers and one

for passenger vehicles. In a separate permit application to the Corps, Pasco County has proposed expansion of the parking facilities on the 2.55 acres to accommodate an additional 70 parking spaces, 45 of which would be for vehicles with boat trailers. The September 2011 alternatives analysis evaluated expansion of two existing county-owned boat ramp facilities, the Anclote River Park and the Robert J. Strickland Memorial Park in Hudson, Florida.



Figure 5 Alternative 3 Anclote River Park

Information on Page 15 of 19 in the Applicant's September 2011 response to request for additional information states, "The Anclote River Park is the County's largest facility providing vessel launching and Gulf access. It has six (6) ramps and four (4) docks. The facility is surrounded by commercial and residential development, including the Anclote Power Plant so provides no practicable opportunity for expansion." According to Corps records, Department of the Army permit application (SAJ-2003-00363) for the project known as "Anclote River Park - Boat Trailer Parking Addition" was withdrawn. The proposed expansion activities are inconsistent with information cited above from the September 2011 SunWest Park alternatives analysis.

In the revised alternative analysis submitted on 18 March 2013, the Applicant indicated that there is insufficient space to add additional boat lanes to the North of the existing lanes without acquiring additional property from the Power Company. The Applicant stated that expansion to the South could create a navigation hazard for vessels using the Anclote Channel since the ramps would be immediately adjacent and perpendicular to what is a congested channel on weekends. The Applicant indicated that the site is located within a USFWS designated "Important Manatee Area" and would require a "may affect" determination. It is unknown at this time as to what the result of the consultation process would be. However, the 11 August 2009 USFWS concurrence letter stated that Pasco County does not have a State-approved or Federally-approved Manatee Protection Plan. For the last ten (10) years, all eight (8) of the watercraft-related manatee deaths in Pasco County have occurred at or near the mouth of the Pithlaschascotee River or the Anclote River. These rivers are the primary source of watercraft in Pasco County. The Corps has independently reviewed the site utilizing Google Earth and has determined that there is approximately 188 feet between the north edge of the existing boat ramp to the edge of the nearest existing docking structure to the north. The existing 6 lane boat ramp is approximately 227 feet and one lane is approximately 40 feet wide. Based on the Corps review of this information, there appears to be sufficient room to install an additional boat lane between the existing ramps and the docking structure to the north. The Applicant did not consider the expansion of the existing public boat ramp as an option to meet the public's need. The shoreline near the existing public boat ramp consists mostly of uplands. The location within a designated Important Manatee Area doesn't necessarily mean that the alternative is not "permissible" or more environmentally damaging, therefore, the Corps has

determined that Alternative 3 (aka Alternative 21) does meet the Corps Independent Analysis criteria and is deemed practicable and is carried further in the analysis.

Alternatives 4 and 11- Eagle Point Park (Parcel D) Using the selection criteria of accessibility to the Gulf of Mexico, this site was initially identified by Corps/NMFS staff using Google Earth software. This is a waterfront 17-acre Pasco County owned park and contains picnic area/shelters, a playground, a gravel canoe/kayak launch ramp, walking trails, a fishing pier, and restrooms. The site is located approximately one-quarter mile south of deep water, direct Gulf access channel that serves the Flor-A-Mar residential community. From Corps/NMFS field observations of the site, and further reconnaissance using Google Earth software, it appears that shoreline portions of the park at the existing canoe/kayak launch could be used for boat ramp construction and available uplands could accommodate vehicle/trailer parking. Construction of additional boat ramps could provide deep water direct Gulf access with minimal ecological impacts on mangrove wetlands and channel construction through what appears to be unvegetated subtidal habitats.

The Applicant provided a discussion of this alternative in the revised alternative analysis dated 18 March 2013. The Applicant stated that the park was purchased and developed using Florida Recreation Development and Assistant Program funding. The Applicant has indicated that the Florida Communities Trust, Division of State Lands, would not support a proposal by the County to modify the master management plan for the park to attempt to add a BAP.

The Corps has independently verified the status of the Eagle Point Park as a part of the Florida Communities Trust program. On 2 June 2010, a news release from the Department of Community Affairs announced that the Florida Communities Trust (FCT), the state's program for helping local communities preserve open space and recreational areas, had partnered with Pasco County to acquire the Pasco Palms property, a 115 acre tract, to provide natural resource protection through an urban nature preserve in a built out area. The article quotes a Pasco county commissioner saying "Pasco Palms and Eagle Point Park together provide recreational opportunities and protection of important coastal resources so close to the urban core, for the benefit of present and future generations".¹² According to the Florida Communities Trust (FCT) website, FCT assists Florida communities by providing grant funds to acquire land for parks and open spaces and has resulted in a collection of local and regional parks as diverse as Florida's communities. A search of the FCT site revealed that approximately 19 FCT Parks have a boat ramp. The Applicant did not provide supporting documentation that would indicate that FCT would not be supportive of the establishment of a boat ramp at the Eagle Point Park facility. The Corps contacted FCT concerning this issue and was informed that access to water was one of the FCT's goals, however, it can be achieved through the construction of a kayak/canoe launch, fishing pier, a gazebo over water or a boat ramp. Currently, the Eagle Pointe Park contains a kayak/canoe launch so therefore the facility is meeting the requirements of FCT. However, the Applicant could request an amendment and follow the FCT process to include a boat

¹² http://www.dep.state.fl.us/lands/FL_Communities_Trust/News_2010_051010.htm

ramp.¹³ Therefore the Corps has determined that Alternative 4 (aka Alternative 11) does meet the project purpose and is deemed practicable and is carried further in the analysis.

Alternatives 5 and 23 –Nick's Park - According to information in the Applicant's 2011 alternative analysis, this site is owned by the City of Port Richey, has one boat ramp, 20 parking spaces and provides vessel access to the Gulf of Mexico. The Applicant's alternatives analysis indicated that the site does not contain room to either increase the number of boat ramps or provide additional vehicle/trailer parking. The park is located on Miller's Bayou which is adjacent to the Pithlachascotee River; the Pithlachascotee River is a federal channel maintained by the Corps and provides deep water, direct access to the Gulf of Mexico. City of Port Richey boat ramp is approximately 0.15 mile north of Nick's Park.

Additional boat ramps could be constructed at this site, which could immediately provide central-north Pasco County residents deep water access to the Gulf access via a federal channel with minimal ecological impacts on mangrove wetlands. The 23 February 2012 submittal discussed the vessel traffic study which was conducted at three facilities (Anclote Park, Robert J. Strickland and Nick's Park). The



Figure 6 Alternative 5 - Nick's Park

Applicant indicated observers monitored and recorded the launching and retrieval of trailered boats at each of the boat ramps during a peak boating day (Labor Day/2006) and mid-week day (2006). The Applicant indicated that during the mid-week monitoring event five launches and four retrievals of boats larger than 35' in length were recorded. The Corps independently reviewed the vessel traffic study and concluded that the five launches and four retrievals of boats larger than 35' in length were observed at Nick's Park. In addition, public comments were received specific to the opportunities for expansion at Nick's Park. The Corps is also aware of the City of Port Richey plans to enhance and expand recreational opportunities at Nick's Park.

The Applicant has indicated that there is no room to either increase the number of boat ramps or provide additional vehicle-trailer parking at Nick's Park. The Applicant indicated that it is the City of Port Richey's plan to focus on business development in this area. Information has been provided through public comments that indicate that land around this existing facility is for sale and therefore, offers an opportunity for expansion of this park. Further review of the site, indicates that an existing channel is within the area. On 26 March 2004, the Corps issued authorization for SAJ-2002-00002 to the City of Port Richey to dredge material over a ten year period from 24 residential canals and the channel that parallels the shoreline in Millers Bayou. The permit is authorized until 25 March 2014. In addition, on 21 February 2013, SAJ-2010-03171 was issued to the City of Port Richey to

¹³ 20130418 Email from FCT.pdf

dredge material from four channels to improve navigation resulting in 0.10 acres of seagrass impacts. This area is heavily utilized by recreational and commercial vessels. As a result of the previous authorizations, minimal SAV impacts have occurred and the area has been mapped for seagrasses and locations of dense seagrass beds are avoided. Therefore, the Corps has determined that Alternative 5 (aka Alternative 23) meets the criteria for accessibility to the Gulf of Mexico, the potential for minimal SAV impacts and deemed practicable and is carried further in the analysis.

Alternative 6 - Boat Access Park at a Separate Location From the County Park: Public comments have been expressed concerning the alternative of constructing a Boat Access Park (BAP) at a separate location from the proposed county park at the SunWest County Park location. According to the Master Plan (2001), a BAP does not need to be co-located with a park for other purposes. Commenters specifically, raised the concern that the County must consider a Boat Access Park (BAP) separate from the county park aspect of the proposed project because the County's own studies state that a BAP does not need to be collocated with a park for other purposes. A public commenter suggested that constructing a county park in the uplands at the proposed SunWest Park location but moving the BAP to a location with less SAV/EFH impacts would likely be the least damaging practicable alternative.¹⁴

In the Applicant's revised 18 March 2013 alternative analysis, the Applicant indicates that separating the BAP from the county park is misleading. However, the Applicant asserts that the BAP is the project purpose. The Applicant further states that the amenities associated with the BAP are required features of the BAP. The Applicant specifically includes the boat ramp, parking and restrooms as required amenities. The Applicant states that the freshwater beach in the old mine lake is taking advantage of the existing site conditions to provide a recreational amenity for Pasco County residents. However, according to the Master Plan (2001, updated 2006), a boat access park is defined as parks located within the coastal areas and are intended to provide facilities for launching boats to lakes, rivers or into channels that lead to the open water of the Gulf of Mexico. BAPs may be stand-alone or integrated with other park types such as Regional, District, Community or Neighborhood Parks. BAPs are generally intended to serve 100,000 residents and may contain boat ramps or launching points, docks, boat trailer parking and restrooms. Optionally, these parks may have picnic areas, beach areas and playgrounds. Minimization is discussed in Section 6(e). The Applicant has not demonstrated that Alternative 6 is not practicable without the beach component.

Based on the above statement from the Applicant, the beach is an added amenity and therefore not required for the project. The location for the beach parking is situated in waters of the United States and would result in impacting 3.78 acres of wetlands. The Applicant has not provided minimization measures to avoid this wetland impact. The Applicant has not provided any steps to avoid and/or minimize wetland impacts at the proposed Sunwest Park project site. In addition, the Applicant asserts that in order to meet

¹⁴ Richard Sommerville Comment Letters, September 12, 2012 and December 28, 2012

the Master Plan for a BAP, the BAP must consist of 7 boat ramp lanes and 250 trailer parking spaces. See the discussion of Minimization in Section 6(e).The Applicant has not demonstrated the need for this number of boat ramp and trailer parking spaces or why the project would not be practicable with less. Instead, the Applicant has chosen to narrowly limit the BAP to one location that could provide seven boat ramp lanes. As such, the Corps has determined that a standalone BAP should be carried throughout in the review as a potential LEDPA.

Alternatives 7 and 25- City of Port Richey Waterfront Park- According to the Applicant's revised alternative analysis dated 18 March 2013; this facility is owned by the City of Port Richey. The park provides canoe/kayak access only. This site has the opportunity to expand its facilities by constructing a boat ramp and provide boat trailer parking in the uplands. The Corps is aware of the City of Port Richey plans to enhance and expand recreational opportunities.

According to the Applicant's agent, the park was purchased and developed with State grant funding via Florida Communities Trust. The park was developed using Florida Recreation Development and Assistant Program funding. These lands are restricted by the State to be managed for conservation and passive recreation. See the excerpt from the FCT Grant Award Agreement below:



Figure 7 Alternative 7 - City of Port Richey Waterfront Park

“The Project Site shall be managed only for the conservation, protection and enhancement of natural and historical resources and for passive, natural resource-based public outdoor recreation which is compatible with the conservation, protection and enhancement of the Project Site, along with other related uses necessary for the accomplishment of this purpose. The proposed uses for the Project Site are specifically designated in the Project Plan as approved by FCT.”

According to the Florida Communities Trust (FCT) website, FCT assists Florida communities by providing grant funds to acquire land for parks and open spaces and has resulted in a collection of local and regional parks as diverse as Florida's communities. A search of the FCT site revealed that approximately 19 FCT Parks have a boat ramp. The Applicant did not provide supporting documentation that would indicate that FCT would not be supportive of the establishment of a boat ramp at the City of Port Richey Waterfront Park facility. The Corps contacted FCT concerning this issue and was informed that that access to water was one of the FCT's goals, however, it can be achieved through the construction of a kayak/canoe launch, fishing pier, a gazebo over water or a boat ramp. Currently, the Waterfront Park contains a kayak/canoe launch so therefore is meeting the requirements

from FCT. However, the Applicant in partnership with the City of Port Richey could request an amendment and follow the FCT process to include a boat ramp.

The City of New Port Richey owns and operates the Sims Park; however, Pasco County provides assistance. A public commenter raised the question regarding if Pasco County could provide assistance to a government entity, it would be reasonable to assume that assistance could be provided to another governmental entity, i.e. City of Port Richey to build a BAP. The Corps is aware that the City of Port Richey is currently proceeding in developing a design to improve the City of Port Richey Waterfront Park. Therefore the Corps has determined that Alternative 7 (City of Port Richey Waterfront Park) should be carried throughout the review as a potential LEDPA.

Alternative 8 - Parcel A According to the Applicant's revised alternative analysis dated 18 March 2013, this property is owned by Pasco County and contains a total of 534 acres. According to map analysis using the USFWS NWI and SWFWMD FLUCCS maps, approximately 17 acres are uplands and 517 acres are wetlands. This property fronts a segment along State Road 52, which becomes a two lane paved collector road west of US19 and 2.0 miles

along the Gulf of Mexico. The property also fronts 1,000 feet along an existing canal built to serve the Signal Cove subdivision and provides direct gulf access. The land includes all necessary utilities including central water and sewer service.



Figure 8-1 Alternative 8 - Parcel A



Figure 8-2 Alternative 8 - Parcel A

According to the Applicant's agent, Parcel A would impact approximately 10 acres of saltwater marsh wetlands. The Applicant has estimated that an area 300 feet by 800 feet (or 5.5 acres) would be the minimum size necessary at the canal location to construct a boat basin, boat ramp, vehicle maneuver area and temporary parking for loading and unloading equipment. In addition, two acres of wetlands would be impacted as a result of widening the channel 2,500 feet to a width of 60 feet. During field observation on 14 January 2013, USACE/NMFS staffs were unable to assess this site because of the remote, vehicular-inaccessible location of this alternative. However, if a low ecological impact vehicular structure could be provided to the available uplands (such as bridge construction) at the site this alternative would provide direct deep water access via an existing deep water channel currently serving the Leisure Beach and Signal Cove communities. Furthermore, for sites that applicant asserts are more environmentally damaging than the proposed project, the Corps specifically requested that the Applicant provide "a chart or matrix indicating the SAV

impacts (seagrass, macroalgae, oyster beds) and the total size of each SAV" in the 31 January 2013 Request for Additional Information. The Applicant alleges that the canal would also have to be widened, lengthened, and deepened to provide safe access from the boat launch to the Gulf. However, the Applicant did not provide any information estimating the SAV impacts from such dredging. Thus, the Applicant has not clearly demonstrated that this alternative is more environmentally damaging considering other significant adverse environmental consequences to SAV. The Corps has determined that Alternative 8 does meet the project purpose and is deemed practicable and is carried further in the analysis.

Alternative 9 - Parcel B According to the Applicant's revised alternative analysis dated 18 March 2013, this property is owned by Ski Lakes LLC and contains a total of 210 acres with 8 acres of uplands and 202 acres of wetlands according to County records. The property includes access at the dead end of an unpaved local neighborhood road. There are no utilities available to the property with the exception of electricity. The property enjoys 0.40 mile of gulf frontage and a circuitous access to the gulf via Oyster Bay. The Applicant's agent indicated that approximately 14.5 acres of saltwater marsh and mangrove swamp wetlands

would be impacted for the construction of the park. According to the Applicant, this site could provide access to the Gulf of Mexico by one of three separate routes. The three



Figure 9-1 Alternative 9 - Parcel B

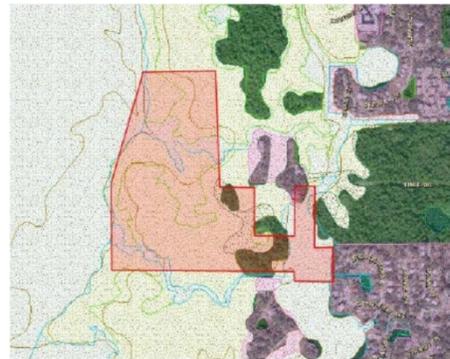


Figure 9-2 Alternative 9 - Parcel B

channel routes would require dredging; however, the Applicant did not indicate SAV impacts would be associated with the dredging activity. In the 31 January 2013 Request for Additional Information, the Corps specifically requested that the Applicant provide "a chart or matrix indicating the SAV impacts (seagrass, macro algae, oyster beds) and the total size of each SAV for each off-site alternative that Pasco County asserts as more environmentally damaging than the proposed project."

During field observations of alternatives on 14 January 2013, USACE/NMFS staffs were unable to assess this site because of the remote, vehicular-inaccessible location of this alternative. The Applicant alleges that this alternative is not the LEDPA because it is more environmentally damaging. The Applicant alleges that this alternative is more environmentally damaging because the Applicant has estimated that approximately 14 acres of wetlands would be impact by construction of the County Park and BAP as proposed. Additionally, the Applicant alleges that this alternative is more environmentally damaging because the existing channel would need to be dredged. The Applicant alleges that this alternative is more environmentally damaging because the Manor Beach Road Bridge would need to be raised for clearance and two (2) bridges would be required to access the existing

channel to the Gulf of Mexico. However, the Applicant has provided no information to the Corps regarding what the estimated impacts of dredging the three (3) existing channels in this location would be and how those impacts compare to dredging the proposed channel at the Applicant's preferred location. Furthermore, as discussed in the minimization below, the Applicant has not demonstrated that a minimized project could not be located in 6 contiguous acres of uplands to avoid all impacts to WOTUS. Thus, the Applicant has not clearly demonstrated that this alternative is more environmentally damaging considering other significant adverse environmental consequences to SAV and, therefore, the Corps has determined that Alternative 9 is potentially the LEDPA.

Alternative 10 - Parcel C According to the Applicant's revised alternative analysis dated 18 March 2013, this property is owned by Richard and Katherine Davison. This property contains a total of 119 acres with 12 acres uplands and 107 acres wetlands according to County Records. The property fronts approximately 0.60 mile along the north side of Green Key Road, a two lane paved collector road leading to a small offshore key. The property also enjoys approximately 0.33 of gulf frontage. All utilities including central water and sewer service are within close proximity to the property. The property is bisected by a natural water inlet (Oyster Creek) which has been

improved with a canal to serve



Figure 40-1 Alternative 10 - Parcel C

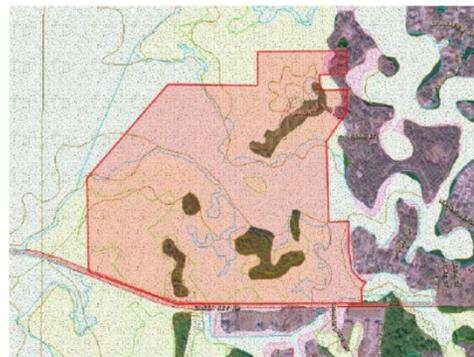


Figure 30-2 Alternative 10 - Parcel C

the Peninsular Paradise Subdivision, providing direct gulf access. During field observations of alternatives on 14 January 2013, USACE/NMFS staffs were unable to assess this site because of the remote, vehicular-inaccessible location of this alternative. The Applicant alleges that this alternative is not the LEDPA because it is more environmentally damaging. The Applicant alleges that this alternative is more environmentally damaging because the Applicant has estimated that approximately 15 acres of wetlands would be impact by construction of the County Park and BAP as proposed. Additionally, the Applicant alleges that this alternative is more environmentally damaging because the existing channel would need to be dredged. However, the Applicant has provided no information to the Corps regarding what the estimated impacts of dredging the existing channel in this location would be and how those impacts compare to dredging the proposed channel at the Applicant's preferred location. In the 31 January 2013 Request for Additional Information, the Corps specifically requested that the Applicant provide "a chart or matrix indicating the SAV impacts (seagrass, macro algae, oyster beds) and the total size of each SAV for each off-site alternative that Pasco County asserts as more environmentally damaging than the proposed project." Furthermore, as discussed in the minimization below, the Applicant has

not demonstrated that a minimized project could not be located in the 12 acres of noncontiguous uplands to avoid impacts to WOTUS. Thus, the Applicant has not clearly demonstrated that this alternative is more environmentally damaging considering other significant adverse environmental consequences to SAV and, therefore, the Corps has determined that Alternative 10 is potentially the LEDPA.

Alternative 11 - Parcel D According to the Applicant's revised alternative analysis dated 18 March 2013, this alternative was evaluated in the September 2011 analysis. During this reevaluation,

the Applicant deemed this parcel not practicable and portions of Alternative 11-Parcel D incorporate the Eagle Point Park which is



Figure 11-1 Alternative 11- Parcel D

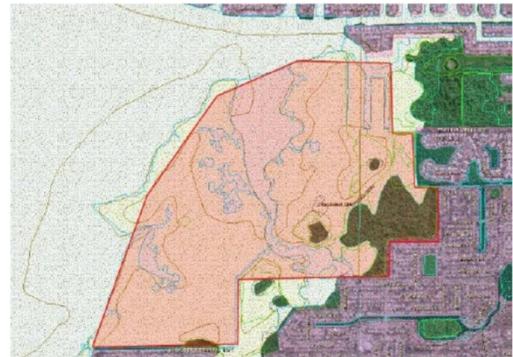


Figure 11-2 Alternative 11 - Parcel D

evaluated as Alternative 4. The Applicant's agent -provided an analysis on Alternative 4 which is discussed above and the Corps determined that Alternative 4 (Eagle Point Park) should be carried throughout the review as a potential LEDPA. With regards to Alternative 15 - Parcel D, the Applicant's agent determined that Alternative 15 was not practicable due to the park being purchased and developed using Florida Recreation Development and Assistant Program funding. The Applicant has indicated that the Florida Communities Trust, Division of State Lands, would not support a proposal by the County to modify the master management plan for the park to attempt to add a BAP.

According to the Florida Communities Trust (FCT) website, FCT assists Florida communities by providing grant funds to acquire land for parks and open spaces and has resulted in a collection of local and regional parks as diverse as Florida's communities. A search of the FCT site revealed that approximately 19 FCT Parks have a boat ramp. The Applicant did not provide supporting documentation that would indicate that FCT would not be supportive of the establishment of a boat ramp at the City of Port Richey Waterfront Park facility. The Corps contacted FCT concerning this issue and was informed that that access to water was one of the FCT's goals, however, it can be achieved through the construction of a kayak/canoe launch, fishing pier, a gazebo over water or a boat ramp. Currently, the Waterfront Park contains a kayak/canoe launch so therefore is meeting the requirements from FCT. However, the Applicant in partnership with the City of Port Richey could request an amendment and follow the FCT process to include a boat ramp. The Corps has determined that the lands identified under Alternative 4 as Eagle Point Park, which consists of 24 acres located within Alternative 11 meets the project purpose and has been deemed practicable and carry further in the analysis. However, the remaining lands associated within Alternative

11 would be more environmentally damaging in terms of wetland impacts. Therefore, the Corps has deemed those lands are impracticable and is not carried further in the analysis.

Alternative 12 - Parcel E According to the Applicant’s revised alternative analysis dated 18 March 2013, this property is owned by Richard and Kathleen Sheppard. The property contains a total of 198 acres of which 11 acres are uplands and 187 acres are wetlands according to County records. The property includes 0.9 mile of frontage along Strauber Memorial Highway, a two lane paved collector road and 1,500 feet of frontage along the Gulf of Mexico. All utilities including central water and sewer are available to the property. There are no canals providing direct gulf access. The Applicant alleges that this alternative is not the LEDPA because it is more environmentally damaging. The Applicant alleges that this alternative is more environmentally damaging because the Applicant has estimated that approximately 11.5 acres of wetlands would be impacted by construction of the County Park and BAP as proposed. Additionally, the Applicant alleges that this alternative is more environmentally damaging because a new channel would need to be dredged. However, the Applicant has provided no information to the Corps regarding what the estimated impacts of dredging a new channel in this location would be and how those impacts compare to dredging the proposed channel at the Applicant’s preferred location. In the 31 January 2013 Request for Additional Information, the Corps specifically requested that the Applicant provide “a chart or matrix indicating the SAV impacts (seagrass, macro algae, oyster beds) and the total size of each SAV for each off-site alternative that Pasco County asserts as more environmentally damaging than the proposed project.” Furthermore, as discussed in the minimization below, the Applicant has not demonstrated that a minimized project could not be located in the 11 acres of uplands to avoid all impacts to WOTUS. Thus, the Applicant has not clearly demonstrated that this alternative is more environmentally damaging considering other significant adverse environmental consequences on SAV and, therefore, the Corps has determined



Figure 12-1 Alternative 12 - Parcel E



Figure 12-2 Alternative 12 - Parcel E

that Alternative 12 is potentially the LEDPA.

Alternative 13 - Parcel 1 - According to the Applicant's revised alternative analysis, this property is owned by the Southwest Florida Water Management District and State preservation lands containing a total of 1,085 acres more or less (MOL). According to county records, approximately 59 acres are considered to be uplands and 1,026 acres are wetlands. This tract fronts approximately 0.50 miles along a paved portion of Old Dixie Hwy, a 2 lane local collector road and 2.5 miles along the Gulf of Mexico. Central water and sewer are available along the southern boundary of the property. The southern portion of this tract is bisected by a canal built to serve the Sea Pines subdivision and provide direct gulf access. The State of Florida has indicated that they would be unwilling to "trade" conservation lands for use by the County for a Boat Access Park. The Applicant alleges that this Alternative 17-Parcel 1 was not practicable because it is not available. It should be noted that portions of this alternative incorporate Alternatives 2 and 27 (Old Dixie Highway) which the Corps determined should be reviewed as a potential LEDPA. However, in review of Alternative 17-Parcel 1 those areas that exclude the lands associated with Alternatives 2 and 27 (Old Dixie Highway), the Corps concurs with the Applicant's analysis that this site is not available and, therefore, not practicable.



Figure 13 - Alternative 13 - Parcel 1

Alternative 14 - Parcel 2 - According to the Applicant's revised alternative analysis dated 18 March 2013, this parcel was previously considered as Parcel 2 in the Applicant's 2011 alternatives analysis. It has been combined with **Alternative 12 Parcel A** and considered in the analysis elsewhere in this document. These parcels are contiguous and the same analysis applies to both. Refer to the discussion above for Alternative 12 which indicated that the parcel should be reviewed as a potential LEDPA.

Alternative 15 - Parcel 3 - According to the Applicant's revised alternative analysis dated 18 March 2013, this property is owned by the State of Florida and Pasco County Parks Department and contains a total of 1,324 acres MOL. The property constitutes the central portion of Werner Boyce Salt Springs State Park. The State of Florida has indicated that they would be unwilling to "trade" State owned lands to the County for a BAP. This property is not considered a practicable alternative because it is not available to the Applicant.

Alternative 16- Parcel 4 According to the Applicant's revised alternative analysis dated 18 March 2013; this property is owned by the State of Florida and Pasco County Parks Department and contains a total of 1,324 acres MOL. According to County records, 220 acres are uplands and 1,104 acres are considered wetlands. The property constitutes the southern portion of Werner Boyce Salt Springs State Park. The Salt Springs, a unique feature of the site are reported to extend to a depth of 320 feet. The State of Florida has indicated that they would be unwilling to "trade" conservation lands for use by the County for a BAP. This property is not considered a practicable alternative because it is not available to the Applicant.



Figure 14 Alternative 16 - Parcel 4

Alternative 17 - Parcel 5 - According to the Applicant's revised alternative analysis dated 18 March 2013, the Applicant combined their analysis of this Parcel with Alternative 16-Parcel 4. In the Applicant's 2011 alternative analysis the Parcel was identified as Parcel 5. This parcel is contiguous with Alternative 16-Parcel 4 and owned by the State of Florida, and part of the Werner Boyce Salt Springs State Park. The Applicant's agent combined Alternative 17-Parcel 5 with Alternative 16-Parcel-4. For the same reasons indicated above, Alternative 17-Parcel 5 is also not available and, therefore, not a practicable alternative.

Alternative 18 - Parcel 6 - According to the Applicant's revised alternative analysis dated 18 March 2013, this property is owned by the State of Florida, Division of State Lands, and known as the Robert Crown Wilderness Area. The land contains a total of 181 acres of which 10 acres are considered uplands and 171 acres wetlands. The land fronts 1,200 feet along Green Key Road, a two lane paved collector road which terminates at a County park just west of this tract. The State of Florida has indicated that they would be unwilling to "trade" conservation lands for use by the County for a BAP. The Corps determined that this alternative is not available to the applicant and, therefore, this property is not considered a practicable alternative.



Figure 15 Alternative 18 - Parcel 6

Alternative 19 - Parcel 7 - According to the Applicant's revised alternative analysis dated 18 March 2013, this property is owned by the State of Florida, Division of State Lands, and is known as Key Vista Nature Park and contain a total of 103 acres. According to County records, 82 acres are considered uplands and 21 acres are wetlands. The property fronts 1 mile along Baillies Bluff Road, a two lane paved collector road and 0.4 miles along the Gulf of Mexico. All utilities are available to serve the property including central water and sewer. A natural waterway extends from the gulf approximately 1,200 feet into this property. The State of Florida has indicated that they would be unwilling to "trade"



Figure 16 Alternative 19 - Parcel 7

conservation for use by the County for a BAP. As the property is unavailable, it not considered a practicable alternative.

Alternative 20 - Parcel 8 - Portions of this alternative have been evaluated under Alternative 5 - Anclote Gulf Park. According to the Applicant's revised alternative analysis dated 18 March 2013, this property is owned by the Florida Power Corporation and is improved with an electrical utility facility. The property contains a total of 436 acres of which 270 acres are considered uplands and 166 acres wetlands. The land fronts 1.4 miles along Baillies Bluff Road, a two lane paved collector road and 2.15 miles along the Gulf of Mexico. The property includes access to all necessary utilities and a 1.2 mile canal constructed with the electrical utility facility. Pasco County discussed the possibility of "leasing" portions of this parcel from the Power Company for use as a BAP. The Power Company indicated that they will not consider



Figure 17 Alternative 20 - Parcel 8

leasing any more property as they want to keep the land for potential expansion requirements and to serve as a buffer between the plant and public use areas for security reasons. It should be noted that the Applicant defined Alternative 20-Parcel 8 to incorporate Alternatives 1 and 26. The Corps considers these to be separate alternatives. The Corps has determined the Applicant has not clearly demonstrated that Alternatives 5 and 30 should not be considered the LEDPA, as discussed above. The remaining portion of land within Alternative 20-Parcel 8 was not considered as a potential alternative by the Corps because it is not available to the Applicant; therefore, Alternative 20-Parcel 8 is not considered a practicable alternative.

Alternative 21 - Parcel 9 - This alternative is also being evaluated under Alternative 7 - Pasco County Anclote River Park. Refer to the discussion on Alternative 7 above, it was determined that the Corps does not have sufficient information to exclude this off-site alternative as a potential LEDPA.

Alternative 22 - Parcel 10 -Robert Strickland Memorial Park

- According to the Applicant's revised alternative analysis dated 18 March 2013, this park has one (1) ramp and one (1) dock. The Applicant alleges that the facility is also surrounded by commercial and residential development, making expansion extremely difficult and not considered practicable from a cost perspective. The Applicant alleges to acquire the additional property needed to increase vessel capacity



Figure 18 Alternative 22 - Parcel 10 - Robert Strickland Park

would involve trying to buy already developed property. The Corps has determined that this alternative is already a fully developed site and there is no room for additional expansion; therefore, Alternative 22 is deemed impracticable in terms of logistics and would not meet the overall project purposed.

Alternative 23 - Parcel 11 -Nick's Park, refer to Alternative #5

- According to the Applicant's revised alternative analysis dated 18 March 2013, this facility is owned by the City of Port Richey and provides vessel access to the Gulf. The park has one ramp and 20 parking spaces. It is bordered by Hooters Restaurant and the SunCruz Casino boat operation. SunCruz owns the land nearby which they use for patron parking for their cruise ship. The Applicant alleges that while providing good access to the Gulf, there is no room to either increase the number of boat ramps or provide additional vehicle-trailer parking. A public commenter provided information that lands are available for purchase to expand parking and increase the number of boat lanes at the existing facility. One particular parcel for sale is adjacent to Nick's Park and consists of an



Figure 19 Alternative 23 - Parcel 11 - Nick's Park

existing boat ramp.¹⁵ In the 31 January 2013 Request for Additional Information, the Corps specifically requested that the Applicant demonstrate either that the alternative is not practicable or that the off-site alternative has more adverse impacts on the aquatic ecosystem than the proposed project." However, the Applicant provided no information to the Corps regarding what the estimated costs and environmental damage would be and how that compares to the proposed channel at the Applicant's preferred location. Thus, the Applicant has not clearly demonstrated that this alternative is not practicable and, therefore, the Corps has determined that Alternative 23 is potentially the LEDPA.

¹⁵ 20121228 Sommerville Comment_alternatives.pdf

Alternative 24 - Parcel 12 -Sims Park - According to the Applicant's revised alternative analysis dated 18 March 2013, the facility is owned by the city of New Port Richey and provides vessel access to the Pithlachascottee River as well as Gulf of Mexico by traveling down river (at idle speed). The park has one ramp and 10 parking spaces for boat/trailers. The Applicant's only stated grounds for rejecting this alternative as not practicable is that there is not room for expansion sufficient to accomplish the project purpose. The Applicant focused on the expansion of the west side and the existing boat ramp location. However, in the Applicant's revised alternative analysis Figure 20 was provided which identifies the parcel on the east and west side of the Pithlachascottee River. Based upon this information, it appears that this facility has the potential to expand by constructing an additional boat ramp adjacent to the existing boat ramp. In addition, this facility has the opportunity to construct a new boat ramp on the east side of the Pithlachascottee River. Construction of a new facility on the east side of the river offers the opportunity to provide additional boat parking. By utilizing Google Earth, the Corps determined that the length of vessel travel would be approximately 17,200 feet to the Federal Channel limits. According to the 28 July 2011 FDEP permit which authorized the SunWest Park project, the authorized channel is 25,673 feet-long. Therefore, the channel for Sims Park would be shorter than that for the proposed project. The Applicant has provided no information to the Corps regarding what the estimated costs and environmental damage would be and how that compares to the proposed channel at the Applicant's preferred location. Thus, the Applicant has not clearly demonstrated that this alternative is not practicable and, therefore, the Corps has determined that Alternative 24 is potentially the LEDPA.



Figure 20 Alternative 24 - Parcel 12 - Sims Park

Alternative 25 - Parcel 13 -City of Port Richey Waterfront Park, refer to Alternative 7 -

As discussed under Alternative 7, the Corps has determined that the Anclote Gulf Park should be carried throughout the review as a potential LEDPA and referred to as Alternative 7.



Figure 21 Alternative 25 - Parcel 13 City of Port Richey Waterfront Park

Alternative 26 - Parcel 14 -Anclote Gulf Park, refer to Alternative 1 - As discussed under Alternative 1, the Corps has determined that the Anclote Gulf Park should be carried throughout the review as a potential LEDPA and referred to as Alternative 1.



Figure 22 Alternative 26 - Parcel 14 - Anclote Gulf Park

Alternative 27 - Parcel 15-Old Dixie Highway, refer to Alternative 2- As discussed under Alternative 2, the Corps has determined that Old Dixie Highway should be carried throughout the review as a potential LEDPA and referred to as Alternative 2.



Figure 23 Alternative 27 - Parcel 15 -Old Dixie Highway

Alternative 28 - Parcel 16 -Aripeka Palm Island in Hernando County - The Aripeka Palm Island alternative was proposed by a public commenter and requested by the Corps for analysis as an alternative. According to the Applicant's revised alternative analysis dated 18 March 2013, the property is a small half acre on the south of the island and located within Hernando County. The Applicant's agent indicated that it is not practicable to expend Pasco County funds to construct a BAP in an adjoining County. The Corps independently reviewed the site and determined that a private, commercial boat ramp with approximately 10-15 boat trailer parking spaces exist on the site. The Corps has deemed that Alternative 28 is impracticable due to the half acre in size and would not meet the overall project purposed.



Figure 24 Alternative 28 - Parcel 16 Aripeka Palm Island in Hernando County

e. On-site configurations. The Applicant has failed to clearly demonstrate why it is not practicable to minimize on-site features pursuant to Section 404 of the Clean Water Act, i.e. number of boat ramp lanes, number of vehicular parking spaces, and number of boat trailer parking spaces. In addition, the Corps has determined that it is practicable to minimize Section 10 features pursuant to the Corps' public interest review (33 C.F.R. 320.4(r)), i.e. vessel design size, channel alignment and dredging dimensions.

- 1) Number of boat lanes - The Applicant proposes to construct a seven (7) lane boat ramp which would result in impacting approximately 0.05 acres of wetlands. According to the Applicant, the number of boat lanes is based on the Florida Statewide Outdoor Recreation Participation Study (SCORP) in which one boat lane serves a minimum population of 1,500 to a maximum of one lane per 12,500. Based on the proposed project and SCORP guidelines, a seven (7) lane boat ramp may serve a population ranging from 10,550 to 87,500. According to the Master Plan Update (2006), a boat access park is generally intended to serve a population of 100,000 residents. The Applicant alleges that one boat lane serves a population of 14,000 in order to serve a total of 100,000. The Applicant has failed to provide supporting population documentation to support the need for a 7-lane boat ramp. The Corps independently reviewed US Census data (<http://quickfacts.census.gov/qfd/states/12/12101.html>). According to the website, 2012 population for Pasco County was 470,391. Utilizing the existing park inventory from the Master Plan Update (2006), Pasco County currently has four (4) regional parks that are intended to serve a population of 100,000, three (3) district parks that serve a population of 50,000, twenty (20) community parks that serve a population of 25,000, and seven (7) neighborhood parks that serve a population of 5,000. It should be noted that the Master Plan Update (2006) did not discuss each BAP as it did with the above noted parks. The Master Plan Update (2006) only identifies that the BAP inventory is two (2); however it does not specifically identify the name of those BAPs. A review of the parks listed the Anclote River Park, and Robert J. Strickland Memorial Park provide a boat ramp; however the facilities are categorized as a Community Park.

The Anclote River Park which was reviewed as off-site alternative #3 is identified as a Community Park, which serves a population of 25,000. According to the Applicant's September 2011 Alternative Analysis, the Anclote River Park is the County's largest facility providing vessel launching and Gulf Access. The facility has one boat ramp with six (6) boat lanes. By utilizing the SCORP guidelines, the Anclote River Park serves a minimum population of 9,000 to a maximum population of 75,000.

Therefore, the Applicant has not clearly demonstrated why it is not practicable to minimize the number of boat lanes to less than seven (7) lanes which would avoid the direct impacts to 0.05 acres of WOTUS, but it would allow the entire park footprint to shrink so that the 3.76 acres of wetland impacts for the beach access parking and 0.017 acres of impacts for the surface water management system could be avoided.

- 2) Number of other vehicular parking spaces: The Applicant proposes to construct 219 parking spaces for the beach area/general parking which would result in impacting 3.78 acres of wetlands. The Corps requested that the Applicant demonstrate why it is not practicable to minimize the number of vehicular parking spaces. The Applicant's response did not address the 219 parking spaces; instead it addressed the boat trailer parking area. Therefore, the Applicant has not clearly demonstrated that it is not practicable to minimize the 3.78 acres of wetland impacts for the construction of the beach area/general parking.
- 3) Number of boat trailer parking spaces: The Applicant proposes to construct 250 boat trailer parking spaces for the boat ramp area. No wetland impacts are associated with the boat trailer parking spaces; however reducing the number of boat trailer parking spaces would minimize the overall project footprint potentially allowing the avoidance of impacts associated with other components of the project. The Applicant has indicated that the proposed project has been designed to accommodate as many boats as possible recognizing the demand, current use, and limitations of the entire coastline of Pasco County. According to the Applicant's submittal dated 18 March 2013, the County calculated the number of required boat parking spaces based on the SCORP. SCORP calculates an average user of a boat ramp lane would occupy that lane 20 minutes per day including launching and retrieval. During a 12 hour day during peak boating season each lane can support 36 boats; which equates to a total of 252 users per day (36 X 7 lane boat ramp) for SunWest Park. According to the Applicant's revised Alternative Analysis, the Applicant designed the boat trailer parking to accommodate the peak usage. The Corps applied this calculation to the Anclote River Park (Alternative #3) which the County has indicated is the largest facility providing vessel launching and Gulf Access. The facility has one boat ramp with six (6) lanes which would equate to a total of 216 users per day (36 X 6 lane boat ramp). The Anclote River Park currently supports 120 paved parking spaces and the potential for 45 overflow boat trailer parking for a total of 165. Utilizing the SCORP peak usage of 216 users per day versus the actual boat trailer parking does not support the rationale for applying this method to calculate the number of boat trailer parking spaces. Therefore, applying the Applicant's justification for the 250 boat trailer parking spaces for the SunWest project is not consistent with the existing boat parking spaces at the Anclote River Park. The Corps has determined that the Applicant has not provided information

that supports the need for 250 boat trailer parking spaces and has not clearly demonstrated that it is not practicable to minimize the park footprint by reducing the boat trailer parking spaces, thereby avoiding wetland impacts.

The water dependency presumptions in the CWA Section 404(b)(1) Guidelines do not apply to the dredging component of the project because it does not involve a discharge of dredged or fill material into waters of the United States. However, resources losses must still be avoided to the extent practicable pursuant to the Corps' public interest review, which includes avoiding, minimizing, rectifying, reducing, and compensating for resource losses. See 33 C.F.R. 320.4(r). The Corps requested the Applicant to minimize impacts to special aquatic sites including vessel design size, channel alignment, and dredging. The following discusses those minimization efforts.

- 4) Vessel Design Size: The Applicant has indicated that the design vessel is based on a boat's beam (width) being greater than 8.5 feet but no more than ten (10) feet.¹⁶ According to the Applicants 15 April 2010 submittal, the Applicant stated that the channel was designed for the following criteria: center console fishing boat (Yellowfin) or day sailboat (Hunter), 36 feet length overall (LOA); 10 foot beam and 5 foot draft. The Applicant chose these vessels as the design vessels because they are found in the area and represent the largest vessels that could be trailered without a special endorsement, according to Florida Department of Transportation (FDOT) rules (Chapter 14-26, Florida Administrative Code (F.A.C.))¹⁷ According to the recent submittal (18 March 2013), the Applicant stated that the channel was designed to accommodate boats with up to, but no more than a 10 foot beam. This represents a vessel that could be easily trailered with few restrictions by simply obtaining a \$25.00 annual state permit. As discussed in Sections 8(a)(11) Navigation and 8(k) Internal Coordination, the Corps recommended the navigation designs (channel bottom width, channel depth) for two (2) design vessels (Design Vessel #1= Length 36 feet, Beam 10 feet, Depth - 5 feet and Design Vessel #2 = Length 25.25 feet, Beam 8.5 feet, Depth - 3 feet). Based on the Corps' analysis, the channel bottom width could be minimized ranging from 45-50 feet to support a minimized vessel with an 8.5 foot beam. It should be noted that the Applicant at one time described the vessel to be about 22 feet which was based on the vessel traffic study conducted at nearby Gulf access points.¹⁸ In addition, the Applicant continues to provide supporting documentation on boat registration data which reports the vessel registration by length of the vessel in lieu of beam.

¹⁶ 20130318 Applicants submittal_Response to Corps RAI.pdf

¹⁷ 20100415 Pasco County SunWest Park.pdf, p.23

¹⁸ 20080520 Meeting notes.pdf

By electronic mail dated 07 October 2008, NMFS requested additional information and requested clarification regarding what constitutes average size of vessels and the expected percentages of vessel characteristics that would utilize the SunWest channel for egress to/from the County Park. According to Applicant's submittal dated 23 October 2008, the average size and draft vessels expected to utilize the Pasco County SunWest Channel would be 22 feet with a draft of approximately 2.5 feet. The Applicant further discussed that the park's trailer parking spaces had been sized with the majority of the spaces sized for vessels not exceeding 25 feet.

According to the Applicant's 23 February 2012 submittal which provided a narrative on the SunWest Channel History and Design¹⁹ stated that Pasco County has 1,239 registered Class 2 boats. Class 2 boats are defined as vessels with hull lengths ranging from 27 feet to 39 feet 11 inches. The Applicant stated that although the Florida Department of Highway Safety and Motor Vehicles (FDHSMV) statistics does not list the beam width, the Applicant expects that most of the boats in the Class 2 category would have beams up to 10 feet. The Applicant also acknowledges that a portion of Class 2 Pleasure Boats would not be trailered and would be located at marinas or private homes with water access. The Corps attempted to verify the number of permits issued by the FDOT for trailered vessels that requires a special permit; however, the data was not readily accessible to the public. A review of the Master Plan (2001, updated 2006) indicates the basis of need for a BAP is solely on population and not vessel usage. The Applicant alleges that reducing the design vessel to a kayak, canoe, and non-motorized vessel or shallow-draft vessel does not address the current, much less future needs of the County's boating public. The Applicant alleges that while BAP's can and do accommodate kayaks and canoes, the opposite is not true; canoe/kayak launches do not address the need for BAP's as documented in the Master Plan. According to the Master Plan (2001, updated 2006), a BAP generally serves a population of 100,000 and may contain boat ramps OR launching points, docks, boat trailer parking and restrooms. In addition, the Master Plan (2001, updated 2006) states that the coastal area of Pasco County is both unique and sensate and provides opportunity for recreation and education. In addition, the Master Plan (2001, updated 2006) stated that the County should consider expanding the opportunity for not only deep channel access but also for access by kayaks, canoes, and other non-motorized low-impact vessels.

¹⁹ 20120223 Agent Submittal (3) Narrative_Channel design.pdf

The Corps reviewed the Applicant's 23 February 2012 submittal in which the Applicant provided a discussion entitled "confirming boat launch use by large trailered boats." The Applicant conducted a survey at three (3) publicly operated boat ramps, two (2) County operated facilities and (1) City of Port Richey operated facility. In review of the data, the two (2) County operated facilities did not demonstrate the usage of vessels greater than 35 feet. The survey days were conducted on a Labor Day weekend and midday. The data indicated zero (0) usage of a vessel greater than 35 feet being launched or retrieved from the County operated facilities. The recorded five (5) launches and four (4) retrievals of boats larger than 35' in length were recorded only at the Nick's Park; a City of Port Richey operated facility. The Corps does not agree with the Applicant's statement that survey data clearly demonstrates that large boats are being trailered, launched and retrieved at Pasco County public boat ramps. The Applicant has failed to provide supporting documentation of the vessel size based on beam (width) and minimization efforts. The proposed project consists of dredging the channel based on the Applicant's design vessel which results in 28.8 acres of impacts to SAV. SAV losses must be minimized to the extent practicable pursuant to the public interest review. Furthermore, since one of the Corps' potential LEDPAs is for a kayak/canoe only and the Master Plan (2001, updated 2006) does not specify what type of vessel use will satisfy the need for a BAP, the Master Plan states that the County should consider expanding the opportunity for not only deep channel access but also for access by kayaks, canoes, and other non-motorized low-impact vessels. The Applicant has not submitted data supporting any vessel size smaller than a 36-foot length, 10-foot beam vessel.

- 5) Channel Alignment - The Applicant has indicated that the proposed channel alignment is a 22,550' channel which is approximately four (4) miles long. The proposed project includes abandoning the 3,920 linear feet of a natural deepwater access that traverses in a northwest direction. The Corps is aware that the existing 3,920 linear feet of deepwater access supports dense SAV. By continuing the channel in a westward direction, the total length of the channel would be 10,620 linear feet (6,700 l.f. + 3,920 l.f.). In the 31 January 2013 Request for Additional Information, the Corps acknowledged that proposed abandoned deepwater access supports dense SAV; however, no information has been provided that indicates that traversing within this deepwater access feature would provide a shorter distance to deep-water access. The Corps specifically requested supporting documentation such as a bathymetric survey to demonstrate why it is not practicable to minimize the channel alignment. According to NMFS letter dated 29 January 2013, NMFS HCD stated that they are unaware of any project where leaf density of a seagrass area was a relevant factor in determining alternative alignments to avoid and minimize impacts. The Applicant has failed to demonstrate if it would be practicable to minimize the channel alignment by continuing in a westward direction instead of the proposed northern alignment.

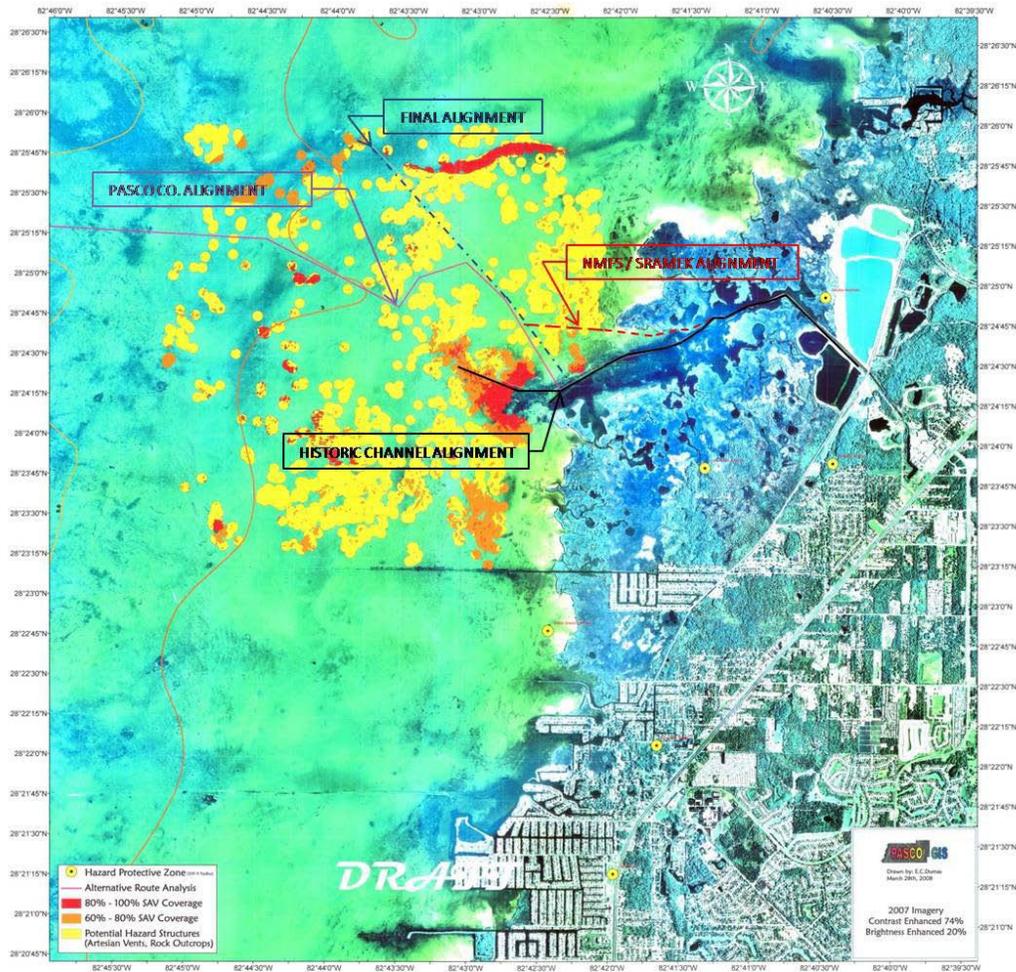


Figure 25 Channel Alternatives Map

- 6) Dredging - The Applicant has indicated that the proposed maintenance dredging consists of approximately 30,236 cubic yards from the existing canal and new boat basin in a channel area 6,700' long by no more than 80' wide by -5.15' NGVD with a 60' wide channel bottom width channel; conduct new dredging totaling 100,044 cubic yards in an area 15,850' long by no more than 80' by -5.15' NGVD with a 60' wide bottom channel width. As a result of the proposed dredging, approximately 28.8 acres of SAV would be impacted. The Corps suggested minimizing the design vessel which could result in minimizing the channel width and length which could result in no dredging and still meet the overall project purpose. According to the Applicant's 18 March 2013 submittal, minimizing the design vessel does not meet the project purpose for providing deep water access for large vessels to the Gulf of Mexico as required by the Master Plan (2006). The Corps independently reviewed the Master Plan (2006) which defines a BAP

" to provide points of access to the Gulf of Mexico for boating and fishing. These parks are located within coastal areas in Pasco County and are intended to provide facilities for launching boats to the lakes, rivers or into channels that lead to the open water of the Gulf of Mexico. These parks may stand-alone or be integrated with the other park types described above (i.e. Regional, District, Community and Neighborhood). The integration of boat launching facilities with other park types requires astute sensitivity to assure that adequate parking and other support facilities are available without adversely impacting other park functions. These parks are generally intended to serve 100,000 residents and may contain boat ramps or launching points, docks, boat trailer parking and restrooms. Optionally these parks may have picnic areas, beach areas, and playgrounds. "²⁰

The Master Plan (2006) does not indicate the need to provide deep water access for large vessels. The Corps has determined that it is practicable to minimize the width, length and depth of the channel or to minimize the vessel size to kayak, canoe, and non-motorized vessel or a motorized shallow-draft vessel.

The Applicant did not evaluate alternative site plans; therefore the Corps independently evaluated minimization alternatives. The Corps evaluated potential alternatives using the following criteria:

- Corps jurisdictional wetlands disturbed;
- Non-jurisdictional wetland disturbed;
- Other environmental consequences (e.g. protected species) and;
- Project purpose practicability considerations

Table 16: On-Site Alternative Analysis Comparison

Criteria	Alt. #1	Alt. #2	Alt. #3	Alt #4	Alt #5
ACOE Wetland impacts	3.78	3.78	0	3.78	0.067
SAV Impacts	28.8	18-20	0	0	0
Channel bottom width	60', vessel 10' beam	45-50', vessel 8.5' beam	0	-	-
Other Impacts	ESA issues	ESA issues	ESA issues	ESA issues	ESA issues
Project Purpose Met?	Yes	Yes	No	Yes	Yes

²⁰ Pasco County Parks and Recreation Master Plan Update, April 3, 2006, pp 10-11.

On-Site Alternatives:

#1: Applicant's preferred alternative

#2: Minimized channel design

#3: No action

#4 : County Park and BAP relocated

#5: County Park/minimized on-site

On-Site Alternative #1 – Applicant’s Preferred Alternative – This site plan was presented to the Corps in the Applicant's Project Information report dated 09 May 2007 which proposed a 10 year permit and the construction of one boat ramp with seven (7) lanes, 1 marginal dock, 1 floating dock (kayak launch), 219 passenger car parking spots, and 250 car + trailer parking spots, walking interpretive nature trail, sand swimming beach, fishing pier within County lake, manatee observation tower, and dredge 138,877 cubic yards of material.

On-Site Alternative #2 –Minimized channel design– This alternative consists of construction of the county park consistent with the Applicant’s Preferred Alternative, Alternative 1, but with a minimized channel design based on the Corps' independent verification of navigation designs (channel bottom width, channel depth) for two Applicant proposed design vessels 1) Length - 36 feet; Beam - 10 feet, Draft - 5 feet; 2) Length 25.25 feet, Beam 8.5 feet, Draft 3 feet. However, as discussed in Section 6.e.4, the Corps has determined that it is practicable to minimize the design vessel size to kayak, canoe, and non-motorized vessel or a motorized shallow-draft vessel.

On-Site Alternative #3 – No Action Alternative –This on-site alternative is defined as impacting only those portions of the Applicant's Preferred Alternative that would not require any DA authorizations. This site alternative would require the Applicant to revise the design vessel size to a kayak, canoe, and non-motorized vessel or a motorized shallow-draft vessel, minimize the number of boat ramp lanes, minimize beach access parking spaces and minimize boat trailer parking spaces. According to the Applicant's Alternative Analysis dated 18 March 2013, these minimization efforts are not practicable to meet the project purpose. The Applicant claims that design constraints limit minimization for the need to maintain a separation of safety between activity at the boat ramp and vehicle-trailer parking and maneuvering areas and areas intended for non-boating and family recreation such as the beach area and hiking trails.²¹The Corps independently evaluated the distance between the proposed boat ramp and beach area utilizing Google Earth; the distance between the two proposed amenities is 1,897.50 feet. It appears that there is sufficient room to safely launch boats, park and have beach recreation. According to the Applicant's existing conditions (Figure1) this area consists primarily of uplands. The Applicant has not demonstrated that the project is not practicable without the beach area. See Section 6(e) Minimization discussion.

²¹ 20130319 Applicants submittal.pdf, p 22

On-Site Alternative 4: County Park and BAP relocated - This site plan was expressed by NMFS and public commenters. This on-site alternative assumes DA authorization only to impact jurisdictional areas to construct the proposed beach access area and parking. As discussed in Section 5 (Alternative Analysis), the Corps identified twenty-six (26) off-site alternatives. Fifteen (15) off-site alternatives were determined to be practicable and would meet the overall project purpose. As discussed in Alternative 6 (Section 5(a)) according to the Master Plan (2001, updated 2006) a boat access park is defined as parks located within the coastal areas and are intended to provide facilities for launching boats to lakes, rivers or into channels that lead to the open water of the Gulf of Mexico. BAPs may be stand-alone or integrated with other park types such as Regional, District, Community or Neighborhood Parks. BAPs are generally intended to serve 100,000 residents and may contain boat ramps or launching points, docks, boat trailer parking and restrooms. Optionally, these parks may have picnic areas, beach areas and playgrounds. Minimization is discussed in Section 6(e). This Alternative can be accomplished by eliminating the Boat Access portion of the project and still meet the overall project purpose.

On-Site Alternative 5: County Park/minimized on-site - This on-site alternative is defined as construction of the County Park of the Applicant's Preferred Alternative that would require a minor DA authorization such as a Letter of Permission (LOP). However, the alternative could be redesigned to avoid waters of the United States (WOTUS) and not require a permit. On 29 April 2012, the Applicant demonstrated that this alternative was practicable by submitting an interim revised project drawings which eliminated 3.76 acres of wetland impacts associated with the beach parking area. (Enclosure 1) The revised drawing minimized wetland impacts by reconfiguring the project footprint. In addition, the revised drawing also provides boat access by utilizing a kayak/canoe launch area. The Applicant removed the boat ramp and redesigned the boat parking area. This Alternative can be accomplished by redesigning the County Park amenities to avoid waters of the United States and still meet the overall project purpose.

- f. Other alternatives not requiring a permit, including No Action.

Table 17: Other Alternatives not requiring a permit

Description	Comparison to criteria
No Action	See Table 17 Alternative # 3

g. Alternatives not practicable or reasonable. As discussed above the following alternatives have been deemed not practicable or reasonable.

Table 18: Alternatives not practicable or reasonable and more environmentally damaging

Alternative	Not Practicable or Reasonable	More Environmentally Damaging
Alternative 2 (27) - Old Dixie Highway	X	
Alternative 11 - Parcel D(only those lands outside of Eagle Point Park)	X	X
Alternative 13 - Parcel 1	X	
Alternative 15 - Parcel 3	X	
Alternative 16 - Parcel 4	X	
Alternative 17 - Parcel 5	X	
Alternative 18 - Parcel 6	X	
Alternative 19 - Parcel 7	X	
Alternative 20 - Parcel 8 (only those lands which include the Power Plant)	X	
Alternative 22 - Parcel 10 - Robert Strickland Park	X	
Alternative 28 - Parcel 16 - Aripeka	X	

The following Alternatives are not the least environmentally damaging practicable alternatives (LEDPA) as evaluated under the 404(b)(1) Guidelines as discussed above in Section 5 (f):

On-Site Alternative Plan #1 – Applicant's Preferred Alternative

h. Least environmentally damaging alternative. See Tables 9 through 13 above. Under the Section 404(b)(1) Guidelines, the Applicant must clearly demonstrate that there are no practicable alternatives that do not involve special aquatic sites; furthermore, for the discharges are proposed for a special aquatic site (i.e., wetlands), the Applicant must clearly demonstrate that practicable alternatives which do not involve a discharge into a special aquatic site have more adverse impacts on the aquatic ecosystem. Appropriate and practicable steps must be taken to minimize the potential adverse impacts of the discharge on the aquatic ecosystem. As a result of discussions at approximately 20 meetings over a 5-year time period with the Corps, EPA, USFWS, and NMFS regarding project minimization and mitigation measures, the Applicant maintained their preferred alternative through the application review process. Pursuant to the analysis above, the Corps has determined that the Applicant's has not clearly demonstrated that the Applicant's preferred alternative is the least environmentally damaging practicable alternative Moreover, the Corps identified

minimization steps that could be incorporated into the project that demonstrates the existence of practicable alternatives to the proposed impacts that would have less adverse impact on the aquatic ecosystem. In addition, the preferred alternative would result in other significant adverse environmental consequences to approximately 28.8 acres of SAV with a potential undetermined amount of secondary impacts resulting from associated dredge anchoring, prop scarring, and dredged material transport to the proposed Anclote Dredge Hole seagrass mitigation site, as well as a significant increase in vessel traffic throughout Fillman Bayou. Seagrasses are special aquatic sites (40 C.F.R. 230.43) and are extremely valuable aquatic habitats that provide nursery, foraging, and refuge for many economically valuable and ecologically important fish and shellfish species during one or more stages of their life histories. (Section 8(a)) Based on the information provided to the Corps in the administrative record to date, the Applicant has not clearly demonstrated that Off-site Alternatives #1, 3, 4, 5, 6, 7, 8, 9, 10, 12, 24 and 28 and On-site Alternatives 2, 4 and 5 are not practicable or more environmentally damaging than the Applicant's preferred alternative.

7. (NA) Evaluation of the 404(b) (1) Guidelines.

a. Factual determinations. The following evaluation takes into account that portion of the proposed project which would result in a discharge of dredged or fill material into 3.85 acres of jurisdictional for the construction of a county park. It also addresses the discharge of dredge material into two proposed seagrass mitigation/restoration areas. The dredging activities are not regulated under Section 404. The proposed seagrass mitigation/restoration proposal would involve the discharge of dredged material into OSW#5, which is associated with proposed Mitigation Area A-3 to create 7.36 acres of seagrass habitat, and into the Anclote Dredge Hole, which is associated with proposed Mitigation Area E to backfill 15.29 acres for seagrass habitat restoration.

The Corps has reviewed and independently verified the information provided by the Applicant regarding factual determinations to be made under the 404(b)(1) Guidelines and determined the provided information sufficient to determine compliance with the restrictions on discharges.

Physical Substrate.

See Existing Conditions, Section 1

County Park - Currently the site consists of lands formerly utilized for mining activities, Belcher Mine which has no record for DA authorization. Mining activities occurred during the 1950's and 1960's and no reclamation of the lands has occurred. The land area consists of two (2) large mine lakes, uplands, remnant spoil mounds and overburden, and marsh habitat. The two (2) lakes are deep freshwater systems with vertical side slopes. The marsh habitat consists of native and exotic vegetation that had been modified by previously placed overburden. The soils on the project site consist of Aripeka fine sand, Homosassa mucky fine sandy loam, and Laroochee complexes. Fill material would consist of the excavated material from the former SunWest Mine Maintenance area which is located within an area identified as an arsenic plume which is

discussed further in the contaminated availability section below.

Portions of the proposed channel are pre-existing as a historic channel which has no record for DA authorization. At present, there is only very limited access to the project are due to the shallow water depths and the unavailability of nearby public boat ramps. A primitive one lane boat ramp is located at the eastern end of the canal, which is located behind a locked gate owned by the mining company. The public is prevented access and the mining company does not utilize the channel.

Water circulation, fluctuation, and salinity.

Addressed in the Water Quality Certification.

The project site surface waters are classified as Class III (Recreation, Propagation and Maintenance of a Healthy, Well-balanced population of fish and wildlife) pursuant to Chapter 62-302, Florida Administrative Code. Networks of ten water quality stations were established within the project site lakes, the access canal, Fillman Bayou and the adjoining Gulf of Mexico. One additional station was established in the mine pit directly north of the proposed dredge channel. The initial sampling was conducted on 06 June 2006 and 01 December 2006. Samples were collected and analyzed in accordance with the standards set forth in the *Standard Methods for the Examination of Water and Wastewater* (18th Edition. APHA, AWWA, WPCF, 1992) and the U.S. Environmental Protection Agency manual *Methods for Chemical Analysis of Water and Wastewater* (EPA-600/4-79-020, March 1979. Revised March 1983). According to the Applicant's submittal dated 09 May 2007, the results of samples taken to date did not reveal any water quality violations or exceedances of chemical parameters. The water quality at the site was determined to meet or exceed all applicable water quality standards. ²²

Suspended particulate/turbidity

Turbidity controls in Water Quality Certification.

The construction activities on the project site and mitigation areas would temporarily increase suspended particulates that discharge into Fillman Bayou and the Gulf of Mexico. The CWA 401 Water Quality Certification issued by the Florida Department of Environmental Protection (FDEP) sets forth best management practices that the Applicant must follow in order to reduce and eliminate chances of particulates entering waters of the U.S. In the long term however, it is expected that some particulates from the project area will enter the Fillman Bayou and Gulf of Mexico flows off impervious surfaces or particulates not captured in the on-site storm water detention facility.

²² 20070509 Project Information.pdf

Contaminant availability.

General Condition requires clean fill.

According to the project drawings, material would be excavated from the area identified as an arsenic plume and utilized for the partial filling of the 3.78 acre wetland fill associated with the proposed beach parking lot area. According to the Interim Soil Management Plan (July 2010), arsenic was detected in soil and shallow groundwater during post-source removal assessment in the area of a small waste oil discharge at the nearby SunWest Mine former maintenance area. A portion of the proposed County Park site is underlain by arsenic impacted soil and groundwater that may have emanated from the area of the waste oil discharge.

FDEP permit number 51-0274578-001 issued on 28 July 2011 included a special condition requiring the Permittee to comply with the Interim Soil Management Plan for all activities associated with Phase I of the project. In addition, special condition 43 of the FDEP permit requires that the material shall be completely capped/covered by an appropriate impervious engineering control within 90 days of the initial discharge. Open planters or green landscaping spaces are prohibited over the area where the contaminated soils are placed.

Mitigation Area A-3 - According to the Applicant's submittal dated 23 September 2011, water quality testing in 2009 showed slightly elevated levels of mercury in portions of the existing channel footprint near STA 00+00. The levels did not exceed either Permissible Exposure Levels (PEL) or Maximum Exposure Levels (MEL) limits. To provide assurances, spoil material removed during the dredging activities located between stations 0+00 through 66+50 will be deposited within Mitigation Area A-3 and capped with a minimum of 10 feet of clean cover.

Mitigation Area E (Anclote Dredge Hole) - Spoil material removed during the dredging activities located at the proposed SunWest Channel, Zone 3, between stations 140+00 through 225+00 would be deposited into Mitigation Area E and capped with two feet of material from another source. According to the Applicant's submittal dated 23 September 2011, no contaminated soils are to be deposited.

Aquatic ecosystem and organism.

Wetland/wildlife evaluations, paragraphs 4, 5 & 6 of this memorandum

This factor is thoroughly addressed in the public interest review (Section 8) specifically wetlands, general environmental concerns, and fish and wildlife values.

<p>Proposed disposal site.</p> <ul style="list-style-type: none"><input checked="" type="checkbox"/> Public interest, paragraph 8.<input checked="" type="checkbox"/> See Contaminant Availability Section 6 above.
<p>Cumulative effects on the aquatic ecosystem.</p> <ul style="list-style-type: none"><input checked="" type="checkbox"/> See Paragraph 8.f.<input checked="" type="checkbox"/> The project site is regionally located in an area of Florida referred to as the "Nature Coast", which is exemplified by relatively undisturbed and unimpacted coastline. The project will change the characteristics, values and functions of the area.
<p>Secondary effects on the aquatic ecosystem.</p> <ul style="list-style-type: none"><input checked="" type="checkbox"/> See Paragraph 8.f.<input checked="" type="checkbox"/> According to 40 C.F.R. 230.10 (c), no discharge of dredged or fill material shall be permitted which will cause or contribute to significant degradation of the waters of the United States. Under these Guidelines, effects contributing to significant degradation considered individually or collectively include:<ol style="list-style-type: none">1. Significant adverse effects of the discharge of pollutants on human health or welfare.2. Significant adverse effects of the discharge of pollutants on life stages of aquatic life and other wildlife dependent on aquatic ecosystems.3. Significant adverse effects of the discharge of pollutants on aquatic ecosystem diversity, productivity and stability.4. Significant adverse effects of discharge of pollutants on recreational, aesthetic and economic values. <p>A part of the proposed project is to dredge a navigational channel which would result in impacting 28.8 acres of SAV. SAV consisting of seagrass and macroalgae are designated by the Gulf of Mexico Fishery Management Council as essential fishery habitat (EFH). Seagrass are also considered special aquatic sites pursuant to the Clean Water Act Section 404(b)(1) Guidelines. 40 C.F.R. 230.43 The project is located in a pristine area that experiences relatively minor disturbances through boating and fishing. In addition, the project site is located in an area of Florida referred to as the "Nature Coast", which is exemplified by relatively undisturbed and unimpacted coastline. The dredging component of the project will change the characteristics, values and functions of the area. Fillman Bayou is characterized as a pristine, undeveloped area, with limited recreational and commercial usage. The SAV provide habitat for recreationally and commercially important fish species. In addition to being designated as EFH for federally managed species, wetlands and SAV in the project area produce nutrients and detritus, important components of the estuarine food web, and serve to stabilize bottom sediments and reduce turbidity. The loss of these habitats from Fillman Bayou and the Gulf of Mexico would impact fishery resources and impair water quality maintenance functions of these systems. SAV areas are important sources of food for fish and</p>

invertebrates that are of commercial, recreational, and ecological importance.

The direct impact of the channel dredging on SAV is the type of secondary impact to discharges of fill that the Corps considers according to the Factual Determinations Section of the 404(b)(1) Guidelines. 40 C.F.R. 230.11((h); see also 40 C.F.R. 230.1(c) and 230.10(c). Dredging impacts to SAV are secondary impacts of the proposed discharge of fill for construction of the boat access park and county park, as well as, the proposed discharge of dredged material into the Anclote Dredge Hole for SAV mitigation. The SAV impacts are associated with these discharges although they do result from the actual placement of the dredged or fill material because the channel dredging is directly related to the discharge of fill for construction of the boat ramp and parking, as well as, to the discharge of the dredged material for mitigation of the SAV impacts.

The impact to 28.8 acres of SAV has the potential to negatively impact revenue generated from recreational and commercial fishing activities. Although seagrass is not harvested as a natural resource in Florida, the economic value of seagrass is measured through other industries, including commercial and recreational fisheries revenue, and nature and wildlife tourism, which depend on seagrasses for economic sustainability. Approximately 70 percent of Florida's harvested fishery species spend a portion of their life cycle within seagrass communities, healthy seagrasses are vital to the survival of this industry. Florida leads all states in economic impacts for its marine recreational fisheries and has one of the top producing commercial fisheries in the country. See Section 8(a)(2) Economics discussion.

Environmental impacts associated with the dredging activities include immediate loss of fisheries habitat due to the direct removal of SAV; decrease in water clarity due to loss of seagrass stabilization of bottom sediments and disruption of hydrodynamic patterns which can lead to further decreases in water quality and further damage to the remaining seagrasses. Increased turbidity from dredging activities and boat traffic causes a decrease of light penetration into the water, which reduces seagrass growth and survival. Secondary environmental impacts include increased noise from dredging activities and associated boat traffic and increased pollution from boats. Dredging also affects marine habitats by changing the nature of the waterway; contaminants are released from bottom sediments and the spawning, nursery and food production areas are altered. ²³ The dredging of a channel has the potential to decrease water quality at the project site and near shore coastal areas. Seagrasses trap sediments and fine particulate matter suspended in the water column, which increases water clarity. Sediments within an unvegetated channel area would be more susceptible to agitation by winds,

²³ 20080219 Gulf Coast Conservancy Comments.pdf

currents, and waves, thereby decreasing water clarity, affecting marine animal behavior, and generally decreasing the recreational quality of coastal areas. Seagrasses also work to filter nutrients from land-based industrial discharge and stormwater runoff before these nutrients are washed out to sea, which would not occur in a dredged channel. See Section 8(a)(7) Fish and Wildlife Values Discussion.

The Corps has participated in several on-site field visits and observed minimal boating activity in this area. This area is a pristine area with limited development pressures. The Hernando Beach Channel and Hudson Channel located approximately 6.3 and 3.6 miles north and south of the SunWest Park site, currently provide public boat ramps and recreational boating access to the Gulf of Mexico. The area contains seagrass beds with minimal prop scarring. The Corps considers the dredging activity would have an adverse effect on the habitat within Fillman Bayou. See Section 8(d) Essential Fish Habitat Discussion.

The proposed project would cause direct, secondary and cumulative impacts to SAV through the dredging of the proposed channel and the increase in boat utilization in an area that is currently experiencing minimal recreational boat traffic. The increase in boat traffic would potentially impact the remaining seagrass beds and habitat and cause detrimental effects such as scarring from boat propellers or trawl nets. The dredging component of the project could cause direct, secondary and cumulative effects on the seagrass beds and habitat such as physical removal, burial of beds, increased turbidity from suspended sediment and increased boat traffic. ²⁴ See Section 8(a)(7) Fish and Wildlife Values Discussion and Section 8(f) Cumulative and Secondary Impacts Discussion.

b. Restrictions on discharges (230.10).

(1) It has/has not been demonstrated in Section 5 that there are no practicable nor less damaging alternatives which could satisfy the project's basic purpose. The activity is/is not located in a special aquatic site (wetlands, sanctuaries, and refuges, mudflats, vegetated shallows, coral reefs, riffle & pool complexes). The activity does/does not need to be located in a special aquatic site to fulfill its basic purpose (County Park and Boat Access Park).

The Applicant has not clearly demonstrated that there are no practicable nor less damaging which could satisfy the non-water dependent component of the basic project purpose (county park). The Applicant has proposed discharging fill material into 3.85 acres of jurisdictional wetlands for the purpose of constructing a parking lot associated with the county park. Special aquatic sites include wetlands, sanctuaries, refuges, mudflats,

²⁴ USGS, Seagrass Habitat in the Northern Gulf of Mexico, 855-R-04-001

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

vegetated shallows, coral reefs, and riffle and pool complexes. A county park is not water dependent and does not require access or proximity to or siting within a special aquatic site. Therefore, the Corps presumes that practicable alternatives that do not involve a discharge into special aquatic sites are available unless the Applicant clearly demonstrates otherwise. Furthermore, the Corps presumes that all practicable alternatives which do not involve a discharge into a special aquatic site have less adverse impact on the aquatic ecosystem unless the Applicant clearly demonstrates otherwise.

(2) The proposed activity does/does not violate applicable State water quality standards or Section 307 prohibitions or effluent standards (based on information from the certifying agency that the Corps could proceed with a provisional determination). The proposed activity does/does not jeopardize the continued existence of federally listed threatened or endangered species or affects their critical habitat. The proposed activity does/does not violate the requirements of a federally designate marine sanctuary. The Applicant is in receipt of a State ERP permit which constitutes compliance with water quality standards under Section 401 of the Clean Water Act, 33 U.S.C. 1334.

(3) The activity will/will not cause or contribute to significant degradation of waters of the United States, including adverse effects on human health; life stages of aquatic organisms' ecosystem diversity, productivity and stability; and recreation, esthetic, and economic values. Based on the analysis in Section 7(a) above the Corps has determined that the proposed project will cause or contribute to significant degradation including adverse effects on human life; life stages of aquatic organisms' ecosystem diversity, productivity and stability; and recreation, esthetic, and economic values.

(4) Appropriate and practicable steps have/have not been taken to minimize potential adverse impacts of the discharge on the aquatic ecosystem (see Paragraph 9 for description of mitigative actions). The Applicant has failed to demonstrate why it is not practicable to minimize features, i.e. number of boat ramp lanes, number of boat trailer parking spaces, and number of other vehicular parking spaces.

8. Public Interest Review: All public interest factors have been reviewed and summarized in paragraph 8. Both cumulative and secondary impacts on the public interest were considered.

Effects, policies and other laws.

a. (NA) Public Interest Factors.

- 1) **Conservation** - The adjacent lands to the south and west of the project site are in public ownership for use as preservation/conservation purposes. The subject lands are owned and maintained by the Southwest Florida Water Management District.

In response to the third public notice, the Nature Conservancy informed the Corps that it donated 6.89± acres within the proposed park to the Southwest Florida Water Management District (SFWMD) in 2003. The deed was recorded and contained the following statement:

[t]he Property shall remain, as nearly as practicable, in a natural state, while recognizing that the Grantee may manage the land in a manner that is both consistent with this purpose and not inconsistent with its responsibilities under the laws of the State of Florida. Any use of the property shall be of a nature and extent that will be compatible with the natural hydrologic and ecological value and characteristics of the land and that will conserve and protect the plant and animal communities. The use of the Property shall be limited, as far as practicable, to those uses the purposes of which do not conflict with the maintenance of the land in a natural condition.

Based on the proposed project, the Applicant is proposing to impact 3.78 acres of jurisdictional wetland on the subject parcel with the above restrictive covenant. The proposed impacts are associated with the construction of the beach parking area.

The Corps requested the Applicant to address the Nature Conservancy's comments regarding the 6.89 acre land donation and restrictive covenant.²⁵ The Applicant responded that its signature on the application affirmed its intent to possess the requisite property and to resolve any property issues with the Nature Conservancy prior to construction.²⁶ The Corps responded to the Applicant that there did not appear to be a dispute over property ownership as referenced in the Corps' "Consideration of property ownership" factor of the public interest review (33 C.F.R. 320.4(g)(6)) as both the Nature Conservancy and the Applicant had indicated that the Applicant owns the property and that it is subject to the

²⁵ 20120927 Comments to Agent (signed).

²⁶ 20121023 Applicant response to RAI.

restrictive covenant.²⁷ Thus, the Corps informed the Applicant that this information would weigh towards finding that the project is contrary to the public interest unless the Applicant modified the project footprint to avoid a conflict with the restrictive covenant. However, the Applicant responded that, first, the restrictive covenant was not valid or enforceable and, second, that the proposed use was not inconsistent with the language of the restrictive covenant regardless.²⁸ The Applicant's position as well as the Nature Conservancy's expressed intent that it would not be releasing its interest in the 6.89 + acres²⁹ indicates to the Corps that there is a dispute over property ownership. The Corps' public interest review regulations state, "The dispute over property ownership will not be a factor in the Corps public interest decision." 33 C.F.R. 320.4(g)(6). Therefore, the Corps will not consider the deed restriction in either the conservation or property ownership factors of the public interest review.

In addition, the project site is located in an area of Florida referred to as the "Nature Coast", which is exemplified by relatively undisturbed and unimpacted coastline. The project will change the characteristics, values and functions of the area. Fillman Bayou is characterized as a pristine, undeveloped area, with limited recreational and commercial usage. Submerged aquatic vegetation (SAV) consisting of seagrass and macroalgae are designated by the Gulf of Mexico Fishery Management Council as essential fishery habitat (EFH).

Project impacts are proposed for a total of 28.8 acres of SAV and 3.85 acres of jurisdictional wetlands. The SAV provide habitat for recreationally and commercially important fish species. In addition to being designated as EFH for federally managed species, wetlands and SAV in the project area produce nutrients and detritus, important components of the estuarine food web, and serve to stabilize bottom sediments and reduce turbidity. The loss of these habitats from Fillman Bayou and the Gulf of Mexico would impact fishery resources and impair water quality maintenance functions of these systems. Additionally, unvegetated subtidal areas in the project areas serve as productive growth sites for macro- and microphytic algae, benthic diatoms, benthic dinoflagellates, polychaete worms, crustaceans, mollusks and insect larvae. As such, these areas are important sources of food for fish and invertebrates that are of commercial, recreational, and ecological importance. The adjacent freshwater wetlands also provide important ecological functions to the estuary such as nutrient production, water quality, enhancement, soil/substrate stabilization and buffer.³⁰ Pursuant to Part IV, Section 3(a) of the Clean Water Act Section 404(q) Memorandum of Agreement between the Departments of

²⁷ 20121024 Comments to Agent TNC Clarification.

²⁸ 20121123 Pasco County letter-RE_TNC.

²⁹ 20121203 TNC Itr to Commissioner (1).

³⁰ National Marine Fisheries Service letter dated May 6, 2011

Commerce and the Army, NMFS restated that Fillman Bayou and Gulf of Mexico, therefore, are aquatic resources of national importance (ARNI).³¹

Due to the proposed project footprint impacting 28.8 acres of SAV which are designated as EFH and special aquatic sites and the location of the proposed channel in a pristine coastal area that supports federally managed species, the Corps has determined that the project would adversely impact this public interest factor.

- 2) **Economics (33 CFR 320.4 (q))** - The proposed project would employ limited skilled labor during the construction of the park facility and during the dredge operations but the overall positive impact on the revenue and tax base for Pasco County is undefined. NMFS indicated that SAV provides habitat for recreationally and commercially important fisheries. NMFS has stated that Fillman Bayou and the Gulf of Mexico provide nursery and foraging habitats that support forage species and economically important marine fishery species such as bay scallop, black drum tarpon, spotted seatrout, southern flounder, gulf menhaden, bluefish, croaker, mullet and blue crab. These organisms serve as prey for other fisheries managed under the Magnuson-Stevens Act by the Gulf of Mexico Fishery Management Council (GMFMC) and highly migratory species managed by NMFS. Several of the species listed above are identified as being of national economic importance pursuant to Section 906(e)(1) of the Water Resources Development Act of 1986 and, therefore, are aquatic resources of national importance (ARNI).³²

This project has the potential to negatively impact revenue generated from recreational and commercial fishing activities. Although seagrass is not harvested as a natural resource in Florida, the economic value of seagrass is measured through other industries, including commercial and recreational fisheries revenue, and nature and wildlife tourism, which depend on seagrasses for economic sustainability. Approximately 70 percent of Florida's harvested fishery species spend a portion of their life cycle within seagrass communities, healthy seagrasses are vital to the survival of this industry.

Florida leads all states in economic impacts for its marine recreational fisheries and has one of the top producing commercial fisheries in the country. According to the U.S. Fish & Wildlife Service's National Survey on Hunting, Fishing, and Wildlife Viewing in 2006 (values updated through Feb. 2011), Florida's recreational saltwater fishery has an economic impact of \$5.7 billion, supporting more than 54,500 jobs. In the 2010/2011 fiscal year, over 1.2 million individuals bought a saltwater recreational fishing license, including more than 860,000 Florida residents and 394,000 non-residents. Total revenue for all

³¹ National Marine Fisheries Service letter dated May 6, 2011

³² National Marine Fisheries Service letter dated May 6, 2011

marine recreational fishing license sales was over \$25 million. The Department of Commerce's Fisheries Economics of the United States 2009 says West Florida recreational anglers took 15.5 million trips: 8.4 million private/rental, 6.4 million by shore, and 567,000 by party/charter boat. For the 2010/2011 fiscal year, 23,864 Saltwater Products Licenses were sold, 10,685 of which generated revenue for the state. Top targeted recreational species include: Spanish mackerel, spotted seatrout, red drum and grouper/snapper.

As for Florida's commercial fishery, in 2008 NOAA Fisheries ranked Florida the eleventh state in commercial landings with over 86 million pounds, and seventh in ex-vessel value at \$170 million. The Department of Commerce's Fisheries Economics of the United States 2009 had Florida's commercial fishery as the second largest in the nation generating \$12 million in in-state sales and third in the nation with 64,744 jobs supported by commercial fishing. For the 2010/2011 fiscal year the total revenue generated by commercial licensing and permits in that time period was more than \$3.9 million. Florida's top commercial species in 2010 by ex-vessel value include: Spiny Lobster - \$35,530,543; Stone Crabs - \$23,708,871; Pink Shrimp - \$15,154,929; Blue Crab (hard shell) - \$9,676,374; Red Grouper - \$8,987,665; and King Mackerel - \$8,784,295. Source for this economics section: <http://www.myfwc.com/conservation/value/saltwater-fishing/>

The Corps recognizes there would be short term benefits during the construction of the proposed project, however in the long term there would be adverse impacts. Projects that impact or diminish these important economic resources without overwhelming public benefits would be considered contrary to the public's economic interests. Therefore, the project would adversely impact this public interest factor.

- 3) **Aesthetics** - The project site is located within Fillman Bayou and adjacent to saltwater marsh wetlands to the west and south. An existing limestone mine quarry is located to the north of the project site. The Fillman Bayou is an undisturbed area and classified as a pristine area due to the relatively minimal coastline development and the lack of recreational and commercial vessel utilization. The Corps recognizes that the construction of the County Park on formerly mined lands would benefit the existing land conditions. However, the project would alter Fillman Bayou with the placement of navigational channel markers for approximately 4 miles within a currently undisturbed natural area. The Corps finds that the project would adversely impact this public interest factor.
- 4) **General Environmental Concerns (33 CFR 320.4(p))** - The project site is located within the area studied and referred to as the Big Bend region which has the largest total seagrass area (612,000 acres) along the Gulf of Mexico in Florida. Along the Gulf of Mexico, State of Florida waters and adjacent Federal waters include the two largest contiguous seagrass beds in the continental United

States: the Florida Big Bend region and the Florida Keys region.³³ Fillman Bayou provides habitat for the Federally endangered West Indian manatee (*Trichechus manatus*). As reflected by the thousands of objection letters from agencies, citizens and environmental organizations, the proposed project would establish a precedent for future actions within this region, as this would be the largest impact to seagrasses along the Gulf of Mexico coastline in the last 50 years.

The Corps received and considered thousands of comments discussing environmental concerns associated with the proposed project. One specific environmental concern relates to the impact on SAV, water quality and water clarity from the proposed dredging activity. Environmental impacts associated with the dredging activities include immediate loss of fisheries habitat due to the direct removal of SAV; decrease in water clarity due to loss of seagrass stabilization of bottom sediments and disruption of hydrodynamic patterns which can lead to further decreases in water quality and further damage to the remaining seagrasses. Increased turbidity from dredging activities and boat traffic causes a decrease of light penetration into the water, which reduces seagrass growth and survival. Secondary environmental impacts include increased noise from dredging activities and associated boat traffic and increased pollution from boats. Dredging also affects marine habitats by changing the nature of the waterway; contaminants are released from bottom sediments and the spawning, nursery and food production areas are altered.³⁴

The environmental concern regarding the impact to SAV, water quality and water clarity was expressed by the USEPA in their 17 March 2008 letter and by NMFS in their letters dated 17 March 2008, 6 May 2011, and 19 September 2012. USEPA stated that SAV in this area provide a valuable nursery resource and forage area for finfish and shellfish as well as manatee, osprey, bald eagles, sea turtles, sturgeon, dolphin and many other marine, aquatic and estuarine species. These vegetated submerged areas also produce nutrients and detritus which are important components of the marine food web and stabilize bottom sediments, reduce turbidity and contribute to the maintenance of good water quality. Based on the listed functions and values, USEPA believes this area is an aquatic resource of national importance (ARNI) that has special ecological significance to the continued production of fish, wildlife and other natural resources. NMFS also has determined this area is an aquatic resource of national importance.

By letter dated 17 May 2011, NMFS/HCD stated that in accordance with Part IV, Section 3(b) of the Clean Water Act Section 404(q) MOA between the Departments of Commerce and Army, the proposed work will substantially and

³³ Handley, L., Altsman, D. and DeMay, R. eds., 2007, Seagrass Status and Trends in the Northern Gulf of Mexico: 1940-2002: U.S. Geological Survey Scientific Investigations Report 2006-5287 and U.S. Environmental Protection Agency 855-R-04-003, Statewide Summary of Florida, 99 p

³⁴ 20080219 Gulf Coast Conservancy Comments.pdf

unacceptably impact aquatic resources of national importance, as well as EFH and associated living marine life.

The Corps has participated in several on-site field visits and this area has demonstrated minimal boating activity and can be described as a pristine area with limited development pressures. The Hernando Beach Channel and Hudson Channel located approximately 6.3 and 3.6 miles north and south of the SunWest Park site, currently provide public boat ramps and recreational boating access to the Gulf of Mexico. The area contains seagrass beds with minimal prop scarring. The Corps considers the dredging activity would have an adverse effect on the habitat within Fillman Bayou. Therefore, the Corps finds that the project would adversely impact this public interest factor.

According to the 29 November 2012 MFR, the Corps' Jacksonville District Engineering Division provided a technical review and provided formal comments on the document entitled Hydraulic and Ecological Analysis for Strauber Memorial Highway Culvert Replacement, revised October 2010 and Strauber Memorial Highway, Construction Plans. The proposed project also includes the replacement of three (3) existing reinforced concrete pipe culverts under the Strauber Memorial Highway with two (2) 7' X 9' concrete box culverts. The purpose of the project is to restore the exchange of water between Fillmore Creek and Sawyer's Basing during tidal and rainfall-driven events. The review stated that while it is probable that the proposed project would provide hydrologic and ecological benefits to the project area to some degree, no water quality or ecological modeling had been provided to quantify specific ecosystem benefits of the project. The MFR listed twenty (20) comments which mostly stated that no discussions or supporting information had been provided to support the Applicant's statements in their report. The proposed work would provide hydrologic and ecological benefits to the project area to some degree; however the Applicant failed to demonstrate that the culvert replacement which is a part of a mitigation component to offset the direct loss of 28.8 acres of seagrasses would replace the lost functions and services by replacing the existing culverts.

NMFS provided an assessment of the out-of-kind mitigation components dated 07 March 2012 and the Corps independently reviewed and verified this assessment and incorporates it herein by reference. This analysis explains why the proposed out-of-kind mitigation is insufficient. Therefore the proposed out-of-kind mitigation would not replace the lost functions as a result of impacting 28.8 acres of SAV.

As discussed in Section 9 Compensatory Mitigation, the proposed project was evaluated utilizing Habitat Equivalency Analysis (HEA) which resulted in the project being in a deficit which would not offset the proposed impacts and therefore, there would result in net negative impact on the seagrasses. Therefore, the Corps has determined that this proposed work would adversely impact this public interest factor.

- 5) **Wetlands (33 CFR 320.4 (b))** - The proposed project would result in the direct impact to 3.78 acres of wetlands for the construction of beach parking area and 0.07 acres for the construction of the boat ramp and stormwater management system. A portion of the wetlands are part of a larger saltwater marsh system which are preserved lands with the Southwest Florida Water Management District. These wetlands serve biological functions such as food chain production, general habitat and nesting, spawning, rearing and resting sites for aquatic or land species. As discussed in Section 6(a) Evaluation of the 404(b)(1) Guidelines, material would be excavated from the area identified as an arsenic plume and utilized for the partial filling of the 3.78 acre wetland fill associated with the proposed beach parking lot area. According to the Interim Soil Management Plan (July 2010), arsenic was detected in soil and shallow groundwater during post-source removal assessment in the area of a small waste oil discharge at the nearby SunWest Mine former maintenance area. A portion of the proposed County Park site is underlain by arsenic impacted soil and groundwater that may have emanated from the area of the waste oil discharge.

FDEP permit number 51-0274578-001 issued on 28 July 2011 included a special condition requiring the Permittee to comply with the Interim Soil Management Plan for all activities associated with Phase I of the project. In addition, special condition 43 of the FDEP permit requires that the material shall be completely capped/covered by an appropriate impervious engineering control within 90 days of the initial discharge. Open planters or green landscaping spaces are prohibited over the area where the contaminated soils are placed.

As discussed in Section 9 Compensatory Mitigation, prior to assessing the adequacy of the compensatory mitigation proposal, the Applicant must first clearly demonstrate that project impacts have been avoided and minimized to the maximum extent possible.

As discussed in sections 6 and 7, the Corps determined that the proposed discharge of fill into wetlands does not comply with the Clean Water Act Section 404(b)(1) Guidelines. Therefore, the Corps finds that the project would adversely impact this public interest factor. See 33 C.F.R. 320.4(a)(1).

- 6) **Historic Properties** - During the 17 January 2008 public notice, SHPO requested a cultural survey. On 31 August 2011, the Corps requested copies of the surveys in order to ensure compliance with Section 106 of the National Historical Preservation Act. The Applicant's submittal dated 23 September 2011 provided the Cultural Resources Assessment (CRA) of SunWest Park. Based on the CRA, the park project would have been considered to have a moderate to high probability of containing archaeological sites/deposits. However, since all of the proposed upland project area has been previously impacted by mining, it is considered to have a very low probability of having any archaeological sites. On

28 January 2009, a CRA was conducted on the proposed County Park and channel. The proposed upland construction areas, which are limited to the areas immediately surrounding the water bodies created from mining, have previously been cleared, stripped of the top soils and mined. There is no area that has not been impacted by mining activities. No cultural materials of any kind were observed. The CRA also included an examination of the original 6,700 feet in length by 80 to 115 feet in width with an average depth of 9.5 feet channel. No submerged cultural material was observed in any portion of the existing channel or proposed channel. The original 6,700 feet of existing channel is considered historic and was recorded as a linear resource and assigned Florida Master Site File 8PA2657. However, given that the channel was never used for any mining transportation purpose, it is not considered a significant cultural resource. The CRA concluded that the proposed project would have no effect on historic properties listed or eligible for listing in the National Register of Historic Places, or otherwise of historic or archaeological value. By letter dated 24 March 2009, SHPO concurred with a "no effect" determination on cultural resources listed or eligible for listing, in the National Register of Historic Places (NRHP), or otherwise of historical, archaeological, or architectural value. Based on the Applicant's CRA and SHPO letter, the Corps believes the project would have no effect or have no potential to cause effect. Therefore, the Corps finds that the project would not adversely impact this public interest factor.

- 7) **Fish and Wildlife values** - This project would result in the direct loss of 28.8 acres of valuable seagrass habitat at the project site, and would decrease the contribution of the project site for fisheries production within the project area. Seagrasses in the project area are designated as EFH for postlarval, juvenile and subadult shrimp; postlarval, juvenile and adult red drum; adult spiny lobster; postlarval, juvenile and adult gray snapper; juvenile red and gag groupers; and juvenile and adult yellowtail and lane snappers; and bull, lemon, and bonnethead sharks managed by National Marine Fisheries Service. Detailed information on federally managed fisheries and their EFH is provided in the 2005 Generic Amendment of the Fishery Management Plans for the Gulf of Mexico prepared by the GMFMC and in the 2009 Amendment 1 to the Consolidated Atlantic Highly Migratory Species Fishery Management Plan prepared by NMFS as required by the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) (P.L. 104 - 297). In addition to being designated as EFH for federally managed species, seagrass provides nursery, foraging, and refuge habitat for other economically important fish and shellfish, such as shrimp, blue crab, spiny lobster, bay scallop, bluefish, red drum, grunts, southern flounder, striped mullet, spotted seatrout, and tarpon, as well as for pinfish, killifish, gulf menhaden, and other forage species.

The proposed SunWest Park channel would result in direct adverse impacts to approximately 28.8 acres of seagrass habitat for channel construction, with a potential undetermined amount of secondary impacts resulting from associated

dredge anchoring, prop scarring, and sediment transport to the proposed Anclote Dredge Hole seagrass mitigation site, as well as a significant increase in vessel traffic throughout Fillman Bayou. Seagrass habitats within the proposed SunWest Park channel construction project area (generally located between the existing Sea Pines and Aripeka Channels) include mixed density seagrass beds comprised of turtle grass, shoal grass, and manatee grass. The site contains contiguous, mixed density, high quality healthy seagrass beds. Because of the undeveloped nature of the coast in vicinity of the project, the seagrasses currently experience only minimal motorized vessel activities, and are adjacent to high quality tidal wetland habitats. Scientific literature indicates nekton movement between the marsh edge and these adjacent subtidal seagrass habitats is greater in areas with both intertidal and subtidal vegetation than in those with intertidal vegetation and adjacent unvegetated mudflats.

Florida seagrasses are extremely valuable aquatic habitats, and provide nursery, foraging, and refuge for many economically valuable and ecologically important fish and shellfish species during one or more stages of their life histories. Seagrass habitats also perform other essential estuarine support functions including: (1) providing a physically recognizable structure and substrate for refuge and attachment above and below the sediment surface, (2) binding sediments, (3) preventing erosion, (4) collecting organic and inorganic material by slowing currents, and (5) producing nutrients and detritus, important components of the estuarine food web. Biodiversity in seagrass meadows is greater than in adjacent unvegetated areas, and faunal densities are orders of magnitude higher inside the meadows.^{35 36} Further, seagrass meadows serve important ecological roles in coastal ecosystems and provide high ecological services as compared to other marine and terrestrial habitats³⁷. Primary production within seagrass habitats and their associated macro- and microepiphytes rivals or exceeds that of many cultivated terrestrial ecosystems.³⁸ The biodiversity and functional values currently at the project site would not be supported in a dredged channel, thus diminishing the ecosystem services of the Fillman Bayou area.

The proposed project would cause direct, secondary and cumulative impacts to SAV through the dredging of the proposed channel and the increase in boat utilization in an area that is currently experiencing minimal recreational boat traffic. The increase in boat traffic would potentially impact the surrounding seagrass beds and habitat and cause detrimental effects such as scarring from

³⁵ Hemminga M, Duarte CM. 2000. Seagrass Ecology. Cambridge (United Kingdom). Cambridge University Press.

³⁶ Duarte C.M., Chiscano C.L. 1999. Seagrass biomass and production: A reassessment. Aquatic Botany, Volume 65, Issues 1-4. Pages 159-174.

³⁷ Costanza R, et.al. 1997. The value of the world's ecosystem services and natural capital. Nature. Volume 387. Pages 253-260

³⁸ Duarte C.M., Chiscano C.L. 1999. Seagrass biomass and production: A reassessment. Aquatic Botany, Volume 65, Issues 1-4. Pages 159-174.

boat propellers or trawl nets. The dredging component of the project could cause direct, secondary and cumulative effects on the seagrass beds and habitat such as physical removal, burial of beds, increased turbidity from suspended sediment and increased boat traffic.³⁹

Reduced ecosystem support: Seagrasses provide food, shelter, and nursery areas to commercial and recreational fishery species and to countless invertebrates living in seagrass communities. This project has the potential to diminish the current level of aquatic ecosystem function by a reduction in the quality and quantity of ecological services provided by these seagrasses.

Diminished food/foraging opportunities: The loss of 28.8 acres of natural seagrass habitat for the project would decrease the availability of foraging opportunities for seagrass dependent species. For example, the American widgeon, redhead duck, endangered West Indian manatee, and green sea turtle all directly utilize seagrass leaves as food. Bottlenose dolphin also forage in seagrass habitats. Ospreys, Red-breasted mergansers, southern bald eagles, crested cormorants, as well as brown and white pelicans utilize seagrass beds in search of prey.

Decreased habitat value: This project would decrease the habitat value of the dredged channel area for many important seagrass dependent fish and invertebrate species. Seagrasses serves as refuge for a variety of larval and juvenile fish and invertebrates, allowing escape from larger predators, and many infaunal organisms (animals living in soft sea bottom sediments) also live within seagrass meadows. Species such as clams, worms, crabs, and echinoderms (starfishes), sea cucumbers, and sea urchins use the buffering capabilities of seagrasses to provide a refuge from strong currents. The dense network of roots established by seagrasses also helps deter predators from foraging in substrates to obtain prey organisms. Commercially harvested pink shrimp and juvenile spiny lobsters utilize seagrass beds as refuge.

Without the increase in surface area provided by the project areas' 28.8 acres of seagrasses, the diversity of epiphytic organisms would be much lower. Seagrasses dramatically increase the surface area of the habitat for the attachment of epiphytes. For example, utilization of turtle grass by over 100 species of epiphytic algae has been documented. Epiphytes, along with the seagrass blades, eventually become part of the detritus food web. Epibenthic invertebrates, such as the queen conch, feed both on the epiphytes living on the seagrass blades, as well as the seagrass leaves themselves. Other epibenthic species such as starfish and various gastropods feed on infaunal organisms found living within the sediments of seagrass beds. Sea urchins feed on detritus, epiphytes, and seagrass blades at night. The unvegetated bottoms of a dredged

³⁹ USGS, Seagrass Habitat in the Northern Gulf of Mexico, 855-R-04-001

channel would not provide many of these support functions.

Seagrass habitats are nursery areas for early life stages of many recreationally and commercially important fish and invertebrate species, and seagrass leaf structure provides refuge from predators. This project would decrease the availability of nursery habitats for many recreationally and commercially important fish and invertebrate species.

Decreased water quality: The project has the potential to decrease water quality at the project site and near shore coastal areas. Seagrasses trap sediments and fine particulate matter suspended in the water column, which increases water clarity. Sediments within an unvegetated channel area would be more susceptible to agitation by winds, currents, and waves, thereby decreasing water clarity, affecting marine animal behavior, and generally decreasing the recreational quality of coastal areas. Seagrasses also work to filter nutrients from land-based industrial discharge and stormwater runoff before these nutrients are washed out to sea, which would not occur in a dredged channel.

Decreased sediment stabilization: The project has the potential to decrease sediment stabilization and increase turbidity within the project area. Non-vegetated estuarine and marine benthic communities devoid of seagrass are vulnerable to intense wave action from currents, storm events, and result in increased turbidity. Increased turbidity from vessel traffic within the channel, currents, and storm events have the potential to cause additional secondary impacts on adjacent seagrass communities and contribute to a decrease in overall ecological services provided by seagrasses.

Economic impacts: This project has the potential to negatively impact revenue generated from recreational and commercial fishing activities. Although seagrass is not harvested as a natural resource in Florida, the economic value of seagrass is measured through other industries, including commercial and recreational fisheries revenue, and nature and wildlife tourism, which depend on seagrasses for economic sustainability. Approximately 70 percent of Florida's harvested fishery species spend a portion of their life cycle within seagrass communities, healthy seagrasses are vital to the survival of this industry.

Florida leads all states in economic impacts for its marine recreational fisheries and has one of the top producing commercial fisheries in the country. According to the U.S. Fish & Wildlife Service's National Survey on Hunting, Fishing, and Wildlife Viewing in 2006 (values updated through Feb. 2011), Florida's recreational saltwater fishery has an economic impact of \$5.7 billion, supporting more than 54,500 jobs. In the 2010/2011 fiscal year, over 1.2 million individuals bought a saltwater recreational fishing license, including more than 860,000 Florida residents and 394,000 non-residents. Total revenue for all marine recreational fishing license sales was over \$25 million. The Department

of Commerce's Fisheries Economics of the United States 2009 says west Florida recreational anglers took 15.5 million trips: 8.4 million private/rental, 6.4 million by shore, and 567,000 by party/charter boat. For the 2010/2011 fiscal year, 23,864 Saltwater Products Licenses were sold, 10,685 of which generated revenue for the state. Top targeted recreational species include: Spanish mackerel, spotted seatrout, red drum and grouper/snapper.

As for Florida's commercial fishery, in 2008 NOAA Fisheries ranked Florida the eleventh state in commercial landings with over 86 million pounds, and seventh in ex-vessel value at \$170 million. The Department of Commerce's Fisheries Economics of the United States 2009 had Florida's commercial fishery as the second largest in the nation generating \$12 million in in-state sales and third in the nation with 64,744 jobs supported by commercial fishing. For the 2010/2011 fiscal year the total revenue generated by commercial licensing and permits in that time period was more than \$3.9 million. Florida's top commercial species in 2010 by ex-vessel value include: Spiny Lobster - \$35,530,543; Stone Crabs - \$23,708,871; Pink Shrimp - \$15,154,929; Blue Crab (hard shell) - \$9,676,374; Red Grouper - \$8,987,665; and King Mackerel - \$8,784,295. Source for this economics section: <http://www.myfwc.com/conservation/value/saltwater-fishing/>

In accordance with the Corps' public interest review, the Applicant must avoid SAV impacts to the extent practicable. 33 C.F.R. 320.4(r)(1). As discussed in Section 9 Compensatory Mitigation, prior to assessing the adequacy of the compensatory mitigation proposal, the Applicant must first clearly demonstrate that project impacts have been avoided and minimized to the maximum extent possible. A Habitat Equivalency Analysis (HEA) model was run for the project and indicated a deficit with the proposed mitigation, the Corps focused on the mitigation component without first thoroughly reviewing the Applicant's alternative analysis. The proposed compensatory mitigation proposal consisted of fourteen (14) separate component pieces which included five (5) in-kind mitigation (creation of seagrass habitat) and nine (9) out-of-kind mitigation. Results of the analysis indicated that the proposed dredging (including overdredge) of the channel will result in a loss of 28.8 acres and 988.800 dSAYs. The direct impacts associated with construction of the Anclote Dredge hole results in the loss of 1.299 dSAYs. However, the mitigation associated with the Anclote Dredge hole can include mitigation for these indirect impacts resulting in the total gain of 21.067 dSAYs, and a subsequent need of 0.054 acres of mitigation. See Section 9 Compensatory Mitigation Discussion.

The HEA analysis resulted in a mitigation deficit of 312.160 dSAYs. Regardless, the Corps has determined that it is practicable to further avoid losses to SAV as described in Sections 6 and 7. The Corps has determined that practicable alternatives exist that would eliminate and/or minimize losses to SAV.

The proposed impacts to 28.8 acres of seagrasses would result in the reduction of ecosystem support, diminished food and foraging opportunities, decrease in habitat value, decrease in water quality, decrease in sediment stabilization, and economic impacts to recreational and commercial fishing activities, the Corps has determined that the project would adversely impact this public interest factor.

In addition, according to the 29 November 2012 MFR, Engineering Division provided a technical review and provided formal comments on the document entitled Hydraulic and Ecological Analysis for Strauber Memorial Highway Culvert Replacement, revised October 2010 and Strauber Memorial Highway, Construction Plans. The proposed project also includes the replacement of three (3) existing reinforced concrete pipe culverts under the Strauber Memorial Highway with two (2) 7' X 9' concrete box culverts. The purpose of the project is to restore the exchange of water between Fillmore Creek and Sawyer's Basing during tidal and rainfall-driven events. The review stated that while it is probable that the proposed project would provide hydrologic and ecological benefits to the project area to some degree, no water quality or ecological modeling had been provided to quantify specific ecosystem benefits of the project. The MFR listed twenty (20) comments which mostly stated that no discussions or supporting information had been provided to support the Applicant's statements in their report. The proposed work would provide hydrologic and ecological benefits to the project area to some degree; however the Applicant failed to demonstrate that the culvert replacement which is a part of a mitigation component to offset the direct loss of 28.8 acres of seagrasses would replace the lost functions and services by replacing the existing culverts. Therefore, the Corps has determined that this proposed work would adversely impact this public interest factor.

As discussed in the Endangered Species Section 8(b) below, USFWS determined that the proposed project "may affect, but is not likely to adversely affect" the West Indian manatee. The Corps published a third public notice on 04 September 2012 to advertise the changes to the project to construct SunWest Park and to clarify the AR on the proposed seagrass impacts since the previous public notices dated 17 January 2008 and 12 April 2011. USFWS did not respond to the public notice. As a result of the third public notice, the Corps received four (4) separate electronic petition emails which generated over approximately 10,866 electronic mails received on the project. The petition emails opposed the proposed project. In addition, one (1) petition email indicated that the specific concern was that a thorough review of the impacts this project may have on manatees and their habitat was not performed. The petition states that the project would put manatees in serious danger and would cause permanent damage to aquatic resources. The Center for Biological Diversity provided comments on 19 September 2012, in which they delivered 20,863 signatures for a petition collected from supporters of the Center for Biological Diversity and hosted at Care2.com. An Excel spreadsheet was provided with the petition and is

included in the AR. The spreadsheet included supporter's personal comments. The main personal comments were centered on concerns for Fillman Bayou, manatees, lack of mitigation, lack of minimization, importance of seagrass habitat, and opposition of the proposed project. In addition, a public commenter has provided additional information which provides cumulative data showing that 103 manatees were sighted within Fillman Bayou. Currently this area has limited boat access because of inaccessibility to the existing canal and channel and shallow water depths. There is currently a primitive one lane boat ramp at the eastern end of the canal, but this is behind a locked gate owned by the mining company and the public is prevented from access. The proposed project is not within designated critical habitat. USFWS stated in the 09 August 2011 letter, that the exact volume of additional boat traffic is unknown, but is considered to be related to: 1) the addition of 250 boat trailer parking spaces at the proposed SunWest Park that would allow as many boats to enter the channel via the seven proposed boat ramps; 2) a projected maximum of 45 boats per day from the proposed SunWest Harbourtowne lake marina into the Gulf channel via a travel lift; 3) the enhanced boat accessibility and thus increased watercraft access through the proposed channel by boats originating elsewhere. Therefore, the Corps concurs with USFWS assessment to consider that the proposed project would increase watercraft access to the area by over 300 vessels. The Corps has determined that the dredging and the additional vessel traffic in the waterway would have an adverse affect on the manatee and this public interest factor.

- 8) **Flood hazards** - The project site is within the 100-year floodplain. The on-site wetlands currently attenuate flood flows by buffering velocities and detaining water. The uplands and 3.85 acres of wetlands would be filled as a part of the proposed project and any flood control functions they currently exhibit would be lost. Stormwater detentions ponds are currently incorporated with the project footprint design to handle storm water flows before they reach Fillman Bayou. The increased impervious surfaces will increase the amount of flows from the proposed project that reach Fillman Bayou. Therefore, the Corps has determined that the construction of the detention ponds, flooding impacts is anticipated to be minimal.

Mitigation Area B - Werner Boyce is located in Port Richey, Pasco County and the purpose of the mitigation involves the scrape down of side cast spoil berms and the restoration of tidal circulation between the Gulf of Mexico and the impounded mangrove swamp area. Several adjacent property owners expressed concern that the mitigation work would result in flooding and the removal of the berm would lessen hurricane protection. FDEP reviewed and evaluated the removal of the berm and determined that the mitigation component should not have an adverse impact on the residents of Signal Cove. Therefore, the Corps has determined that the removal of the spoil berm should not have an adverse impact on the residents of Signal Cove.

Mitigation Area D - Strauber Memorial is located in New Port Richey, Pasco County and the purpose of the mitigation is to restore the exchange of water between Fillmore Creek and Sawyer's Basin during tidal and rainfall-driven events. The proposal is to replace three (3) existing reinforced concrete pipe culverts under the Strauber Memorial Highway with two (2) 7' X 9' concrete box culverts. The Corps internal review of the Applicant's Hydraulic and Ecological Analysis for Strauber Memorial Highway Culvert Replacement, in support of the SunWest Park Project, Revised October 2010, determined that the Applicant did not discuss the Beacon Square Subdivision stormwater collection system to draw the conclusion that the subdivision would not be impacted. The Corps concluded that it appears that stormwater travels through several different flow paths, possibly collecting at detention areas along the way. However, little information was provided by the Applicant regarding the stormwater collection system in the Beacon Square Subdivision. The Corps determined that the stormwater runoff simulations from Beacon Square Subdivision have been grossly oversimplified. The Applicant should have provided more discussion regarding the calculation of time of concentration. The Applicant simply stated that an average pipe length of 540 linear feet and velocity of 2 fps were assumed. In addition, the Applicant failed to present data or calculations to substantiate the assumptions.

The Applicant concluded that the proposed box culverts would not create an adverse impact to Sawyer's Basin or Beacon Square Subdivision due to increased water levels for normal tidal fluctuations. The Corps review of the Applicant's report indicated that the modeling demonstrated the capacity of the proposed culverts to remove water from Sawyer's Basin. However, not enough information was provided to conclude that the increased (tidal) tailwater condition in Sawyer's Basin would not impact the Beacon Square Subdivision stormwater system. The Corps determined that detailed stormwater modeling may not be required but at a minimum, invert elevations of the storm water system outfalls must be provided. The Corps concluded that if the elevations are below the predicted high tides, then potential impacts could occur. According to the Applicant's submittal dated 18 March 2013, the increase in the tailwater to the storm collection system is approximately 6" as a result of the culvert replacement. Based on the topographical information that was available for that area it appears that most of the storm system outfall pipe inverts are located at an elevation above the normal high tide water levels of Sawyers Basin. The Applicant further stated that the invert elevations of the stormwater system outfall were not provided to the engineer. The inverts were estimated based on County LIDAR. Therefore, based on the Corps' independent analysis of the Applicant's Hydraulic and Ecological Analysis for Strauber Memorial Highway Culvert Replacement, in support of the SunWest Park Project and the Applicant unable to provide the invert elevation which could potentially impact the Beacon Square Subdivision, the Corps finds that the proposed mitigation component may adversely impact this public interest factor.

- 9) **Floodplain values** - The project site is within the 100-year floodplain and within the Coastal High Hazard Area, susceptible to coastal storm surge and flooding. The Corps finds that the project would not adversely impact this public interest factor.
- 10) **Land use** - The project site has been approved for development by Pasco County. The property was found consistent with the Pasco County regulations. Therefore, the project would not adversely impact this public interest factor.
- 11) **Navigation** – Existing navigation at the project site is limited due to the shallow water depths and seagrass coverage. This area experiences minimal vessel traffic and is not located near a Federal channel. The Applicant is proposing to dredge a channel area 6,700' long by no more than 80' wide X -5.15' NGVD with a 60' wide channel bottom and a 15,860' long by no more than 80' wide X -5.15' NGVD with a 60' wide channel bottom. There is no history of prior authorizations and no documentation that demonstrates that the 6,700' long channel was previously authorized by the Corps. The Applicant minimized the channel bottom width from 65' to 60'; however, as discussed in Section 5(f), the Corps determined that the channel design has not been minimized to avoid SAV impacts to the extent practicable in accordance with 33 C.F.R. 320.4(r). On 16 May 2012, the Corps requested the Applicant to consider two (2) alternatives which included minimizing the channel dredge to a 45-50 foot channel bottom width. As indicated in 01 May 2012 Jacksonville District, Engineering Division Memorandum, the Corps compared the Applicant's engineer analysis with the Corps engineering design conforms to the Corps of Engineers EM 1110-2-1615 Hydraulic Design of Small Boat Harbors. The guidance discusses the necessity for an economic analysis leading to the selection of an appropriate "design vessel" for engineering design of channels, turning basins, and other features associated with a "small boat" harbor. The design bottom widths are for the straight sections of the proposed channel, the memo indicated that if there are turns in the channel, a review of the plans and specifications for the channel alignment in order to provide guidance for the sizing of the appropriate turn widenings. The Applicant's design recommended a 65 foot channel bottom width and provided no other design features. In particular, the Applicant's design did not provide the design channel depth. The Corps analysis assessed the navigation designs (channel bottom width, channel depth) for two (2) design vessels, the Applicant's current design vessel and a smaller design also suggested by the Applicant during the project review and more representative of the registered boaters in Pasco County. The following table is a summary of the findings:

Table 19: Summary of Corps Analysis of Applicant's Channel Design:

Design Item	Corps	Applicant
Design Vessel #1 (Length= 36 feet, Beam = 10 feet, Depth = 5 feet)		
Design Channel Width (poor)	60 feet	62, rounded to 65 feet
Design Channel Width (good)	56 feet	NA
Design Channel Width (very good)	52 feet	NA
Design Depth (soft bottom)	-7 MLLW (feet)	NA
Design Depth (hard bottom)	-8 MLLW (feet)	NA
Design Vessel #2 (Length= 25.25 feet, Beam = 8.5 feet, Depth = 3 feet)		
Design Channel Width (poor)	51 feet	NA
Design Channel Width (good)	47.6 feet	NA
Design Channel Width (very good)	44.2feet	NA
Design Depth (soft bottom)	-5 MLLW (feet)	NA
Design Depth (hard bottom)	-6 MLLW (feet)	NA

The channel bottom width ranging from 45-50 feet would support a design vessel with an 8.5' beam. However, the Applicant stated that a channel bottom width of 45-50 feet would be a navigational and safety issue. The Applicant stated that the existing Hudson Channel, a DA authorized channel is too narrow with a channel bottom width of 45 feet and results in boat incidents and boats traveling into the seagrass areas adjacent to the channel. The Applicant did not provide supporting documentation to support the statement. The Hudson Channel provides navigation to larger commercial vessels such as shrimp boats. The Corps has determined that the proposed project would increase recreational traffic in an area that experiences minimal recreational traffic. Fillman Bayou exhibits shallow depths, rock outcrops and oyster bars during mean low tide. Considering the proposed increase in vessel traffic by large vessels, it is reasonably foreseeable that boaters would traverse outside of the channel. If that occurs during mean low tide, the special aquatic sites would experience prop scarring and the potential for boaters to damage their vessels, and perhaps suffer personal injury. In addition, the State of Florida will not authorize speed zones in this area. The channel is approximately 4 miles and would not require boaters to travel at slow or idle speed, which could contribute to an increase in boat accidents. Therefore, the Corps finds that the project would adversely impact this public interest factor.

- 12)**Shore erosion and accretion** - The Project site contains saltwater marsh, coastal wetlands, the proposed project does not include shoreline impacts to these areas. All shoreline work is proposed along an existing berm which is primarily vegetated with Brazilian pepper (*Schinus terebinthifolius*) and will consist of a kayak/canoe launching facility and a 2,700 square foot marginal dock that would provide approximately ten (10) temporary mooring slips for the boat ramp. The Corps finds that the project would not adversely impact this public interest factor.
- 13)**Recreation** - Recreational opportunities do not occur on the proposed county park site area. Limited recreational fisheries occur within Fillman Bayou. The Corps acknowledges that the Master Plan (2001, updated 2006) describes the need for a Boat Access Park to meet the demands for the Pasco County population. The public benefits of a County Park would provide additional recreation opportunities and alleviate overcrowding and existing facilities.

Fillman Bayou supports recreational fishery. Therefore, water quality and habitat functions of Fillman Bayou must be maintained and not degraded to support the fishery resources. The project would result in the direct loss of 28.8 acres of valuable seagrass habitat at the project site, and would decrease the contribution of the project site for fisheries production within the project area. Seagrasses in the project area are designated as EFH for postlarval, juvenile and subadult shrimp; postlarval, juvenile and adult red drum; adult spiny lobster; postlarval, juvenile and adult gray snapper; juvenile red and gag groupers; and juvenile and adult yellowtail and lane snappers; and bull, lemon, and bonnethead sharks managed by NMFS. NMFS has determined that the proposed project would substantially and unacceptably impact aquatic resources of national importance, as well as essential fish habitat and associated living marine resources. Based on NMFS determination that this area is an aquatic resource of national importance, the Corps finds that project would adversely impact this public interest factor.

- 14)**Water supply and conservation (33 CFR 320.4 (m))** - The proposed project will impact 3.78 acres of wetlands in which arsenic contaminated soils will be used to fill the wetlands. According to the Interim Soil Management Plan (July 2010), arsenic was detected in soil and shallow groundwater during post-source removal assessment in the area of a small waste oil discharge at the nearby SunWest Mine former maintenance area. A portion of the proposed County Park site is underlain by arsenic impacted soil and groundwater that may have emanated from the area of the waste oil discharge. FDEP permit number 51-0274578-001 issued on 28 July 2011 included a special condition requiring the Applicant to comply with the Interim Soil Management Plan for all activities associated with Phase I of the project. In addition, special condition 43 of the FDEP permit requires that the material shall be completely capped/covered by an appropriate impervious engineering control within 90 days of the initial discharge. Open planters or green landscaping spaces are prohibited over the area where the contaminated soils are placed. Issuance of the Section 401 Water Quality

Certification permit from FDEP should provide assurances that a public drinking water supply would not be affected by the placement of contaminated soil into a wetland system. Therefore, the Corps finds that the project would not adversely impact this public interest factor.

- 15) **Water quality (33 CFR 320.4 (d))** - Water quality certification was provided upon issuance of a state permit. The project as proposed is not anticipated to adversely the quality of waters of the United States through water quality degradation. Water quality standards will be maintained during the construction and subsequent operation of the proposed activity. Certification of compliance with applicable water quality standards required under provisions of Section 401 of the Clean Water Act is considered conclusive with respect to water quality considerations. The Regional Administrator, Environmental Protection Agency (USEPA), has not advised the Corps of other water quality aspects to be taken into consideration.

According to the project drawings, material would be excavated from an area identified as an arsenic plume and would be utilized for the 3.78 acre wetland fill associated with the beach parking lot area. FDEP permit number 51-0274578-001 issued on 28 July 2011 includes a special condition that requires the Applicant to comply with the Interim Soil Management Plan for all activities associated with Phase I of the project. In addition, special condition 43 of the FDEP permit requires that the material shall be completely capped/covered by an appropriate impervious engineering control within 90 days of the initial discharge. Open planters or green landscaping spaces are prohibited over the area where the contaminated soils are placed.

With regards to the 7.36 acre Mitigation Area A-3, spoil material removed during the dredging activities located between stations 0+00 through 66+50 would be deposited within Mitigation Area A-3 and capped with a minimum of 10 feet of clean cover. According to the Applicant's submittal dated 23 September 2011, the dredge area contains arsenic and mercury contaminants.

Another component of the project would impact 28.8 acres of seagrasses for the dredging of a channel. This activity has the potential to decrease water quality at the project site and near shore coastal areas. Seagrasses trap sediments and fine particulate matter suspended in the water column, which increases water clarity. Sediments within an unvegetated channel area would be more susceptible to agitation by winds, currents, and waves, thereby decreasing water clarity, affecting marine animal behavior, and generally decreasing the recreational quality of coastal areas. Seagrasses also work to filter nutrients from land-based industrial discharge and stormwater runoff before these nutrients are washed out to sea, which would not occur in a dredged channel. Given the importance and value of the seagrass and the direct loss of 28.8 acres of valuable seagrass

habitat, the Corps finds that the project would adversely impact this public interest factor.

- 16) **Energy needs (33 CFR 320.4 (n))** - The project is not anticipated to have any effect on energy needs. The Corps finds that the project would not adversely impact this public interest factor.
- 17) **Safety** -According to the proposed project proposal and previously discussed in (404(b)(1) Guidelines Analysis in Section 6, contaminated fill material would be placed in wetlands associated with the beach parking area. This area is in close proximity to the proposed public beach access area. As a part of the FDEP permit, the Applicant is required to cap the contaminated material with clean fill. In addition, contaminated soil will be placed in Mitigation Area A-3 which is a former mine pit that would be developed to provide recreational opportunities such as a fishing pier and nature walking trail.

Another component of the project is the construction of a channel with a 60 foot bottom width to provide access to the Gulf of Mexico for a design vessel with a 10' beam. The proposal would allow the addition of approximately 250 boats within an area that receives minimal boat activity. In addition, the channel has been designed with a curve (bend) that could potentially result in boat incidents. Originally, the channel was supposed to be marked with slow speed signage, however, Florida Fish and Wildlife Conservation Commission (FWC) does not wish to establish slow speed zones and signage along the channel, specifically to help protect the manatee unless it becomes warranted. The proposed channel is approximately 4 miles long and would not consist of any speed zone signage.

The Corps has determined that the project proposal could potentially affect the safety of the public should the Applicant fail to properly cap the contaminated fill material at the two (2) locations within the proposed park footprint. In addition, the Corps has determined that the addition of approximately 250 vessels within a channel with no specified speed zones could potentially result in vessel incidents, including personal injury of boat operators and passengers. Therefore, the Corps finds that the project would adversely affect this public interest factor.

- 18) **Food and fiber production** - The project is not anticipated to affect food and fiber production since neither activity is associated with the proposed project. The Corps finds that the project would not adversely impact this public interest factor.
- 19) **Mineral needs** - The project site is located on previously mined lands. Currently, no mining activities are taken place on the project site. Therefore, the Corps finds that the project would not adversely impact this public interest factor.

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

20)**Considerations of property ownership** - Portions of the project are under public ownership. The proposed canal and channel are owned by the Applicant and SunWest Acquisitions, Inc. Mitigation Area B - Werner Boyce requires consent to use state owned lands for the mitigation activities. FDEP permit number 51-0274578-001 authorization includes consideration of an application for a 50-year sovereignty submerged land public easement containing 1,954,717 square feet, more or less, for the public navigation channel. The activity also includes the removal of 191,500 cubic yards of material. The Corps finds that the project would not adversely impact this public interest factor.

b. Endangered Species Act - Coordination with USFWS. It should be noted that the Scope of Analysis has been discussed in Section 4. Also, the Corps received a concurrence letter from USFWS prior to the second and third public notices, dated 12 April 2011 and 04 September 2012, respectively, however, the Corps re-initiated consultation with the USFWS on both occasions. The following is a history of the consultation process.

By letter dated 17 January 2008, the Corps determined that the proposed project "may affect" but would not result in an adverse modification to critical habitat. The determination was based using the Manatee Key dated July 2005 and considering the additional boat traffic due to the multi-laned boat ramp, impacts to approximately 3.6 acres of seagrass habitat and 8.2 acres of macroalgae habitat. The Applicant provided a site specific Manatee Protection Plan and Wetland Evaluation and Biological Assessment. Based on the Corps' "may affect" determination the Corps requested initiation of formal consultation pursuant to Section 7 of the Endangered Species Act of 1973.

By letter dated 17 January 2008, the Corps determined that the proposed SunWest Harbourtowne project "may affect, but would not likely adversely affect the threatened Eastern indigo snake, the endangered wood stork, the threatened Florida scrub-jay, and the threatened piping plover. The Corps also determined that the SunWest Harbourtowne project "may affect" the endangered Florida manatee. Based on the Corps' "may affect" determination the Corps requested initiation of formal consultation pursuant to Section 7 of the Endangered Species Act of 1973.

USFWS requested additional information on 13 February 2008 and 01 April 2008.

USFWS determined that the SunWest Park and SunWest Harbourtowne projects are interrelated as reflected in the public notices for each project, therefore would be combined into one response.

On 20 May 2008, a meeting was held between Corps, NMFS, USFWS, USEPA and the Applicant's agent. USFWS requested an updated and/or final Manatee Protection Plan along with documentation of the gopher tortoise and their commensal species, specifically the eastern indigo snake. A follow-up request for additional information was made on 22 May 2008.

CESAJ-RD-ST (APPLICATION NO.SAJ-2007-05788-IP-MGH)

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

USFWS requested additional information on 10 September 2008, 14 November 2008, 23 December 2008, and 23 January 2009.

On 29 April 2009, an Interagency site visit was conducted to review the aquatic resources proposed to be impacted by the dredging.

On 12 June 2009, USFWS received the Applicant's March and April 2009 Florida scrub jay survey report for the SunWest Harbourtowne project.

On 06 July 2009, a meeting was held between Corps, NMFS, USFWS and the Applicant's agent. Items discussed were additional informational needs on federally listed species.

USFWS requested additional information on 21 July 2009 and 27 July 2009.

On 03 August 2009, USFWS determined that sufficient information was received to begin consultation on the projects.

By letter dated 11 August 2009, USFWS stated that two (2) letters requesting concurrence on the Corps' determinations for two (2) related projects (SunWest Park and Boat Ramp - SAJ-2007-05788 and SunWest Harbourtowne - SAJ-2006-05871) were received. The Corps is considering the proposed SunWest Harbourtowne impacts on threatened and endangered species as a reasonable foreseeable and cumulative action.

USFWS described the action area for the West Indian manatee and indicated that the consultation action area for the manatee to be all water accessible to manatees and motorized vessels within a five-mile radius of a point starting at the eastern end of the existing canal adjacent to the proposed SunWest Park and SunWest Harbourtowne. On the Gulf shoreline, this extends from Hudson to just south of Hernando Beach in Hernando County. It also includes the channel starting at the SunWest Park boat ramps and the SunWest Harbourtowne boat lift basin and extends through the 4.4 mile channel proposed for dredging and into the Gulf of Mexico for an additional 0.6 miles.

In addition, USFWS considered the action area for the wood stork, the Eastern indigo snake, the Florida scrub jay, and the piping plover are the project sites which include the project footprint and the areas immediately adjacent to the footprint.

West Indian manatee:

There are no recorded watercraft-related manatee deaths in the action area. Aerial surveys have not been conducted in this area; however, one manatee that was tagged in Tampa Bay has been shown to use this area. Manatees will use this area while moving north and south or may remain here for breeding and birthing as the area is relatively quiet and mostly isolated from human activity. The action area has extensive shallow water and seagrass beds and provides foraging habitat for

manatees. This area is known for numerous near-shore freshwater springs or vents which provide freshwater and warmer water temperatures for manatees. At least one spring in the marsh system west of the SunWest Harbourtowne site, called Double Keyhole, has observed manatee use during high tides. Other anecdotal accounts of manatees are from the existing canal between the two project sites and near the stormwater discharge pipe at the eastern end of the same canal.

A "Manatee Protection Plan for the Pasco County SunWest Park (2008 Manatee Plan)" was prepared by the Applicant in February, 2006 and revised on 06 November 2007 and again on 04 August 2008. USFWS and the Corps were told at a 06 July 2009 interagency meeting with the Applicant for Harbourtowne that the 04 August 2008 Plan had no additional changes. The Plan is intended to address the effects on manatee from the proposed dredging of a channel and construction of a public boat ramp that would allow the addition of approximately 250 watercraft (the SunWest Harbourtowne projected contribution will be an additional 45 watercraft) into an area that currently exhibits little watercraft use.

According to the 2008 Manatee Plan, the Applicant proposed to display information at the County Park. A manatee awareness kiosk would be located at the boat ramp and signs would be posted on pilings at the mouth of the main channel to the Park. The Park would also include a two-story manatee observation tower with additional displays of manatee educational materials. The educational display would follow the design and informational standards established by FWC's Imperiled Species Management Section.

The 2008 Manatee Plan proposed year round "Idle speed, no wake" zone within the limits of the Park's docking facilities out to the mouth of Fillman Bayou and a "Slow speed, minimum wake" zone in the channel from the mouth of Fillman Bayou until the point the proposed channel turns abruptly to the northwest. The shallow flats areas adjacent to the north and south of the channel in Fillman Bayou will be posted with signs that will limit motorized vessel access. USFWS is aware that the speed zones may not be permitted by the State of Florida as manatee protection zones, but instead may be permitted as boater safety zones. In either case, the USFWS considered the proposed speed zones and non-motorized vessel zones to be adequate for manatee protection.

USFWS considered that the proposed speed zones and Seagrass Protection Zones along with signage, enforcement, and boater education would provide adequate protection for manatees in this area. USFWS recommended that the Corps condition the permit to require the Applicant to follow the 04 August 2008 version of the proposed Manatee Protection Plan and require that the proposed speed zones and seagrass regulatory signs be approved as defined therein prior to any dredging activity. Manatee educational signs and regulatory speed zone and seagrass

protection zone signs shall also be required to be in place prior to opening of the Park to motorized vessels.

USFWS was made aware of the culvert that discharges stormwater at the eastern end of the canal and proposed public boat ramp between the proposed Park and the proposed Harbourtowne development. USFWS stated that if this culvert is smaller than eight feet in diameter and is submerged or partially submerged and accessible to manatees, it should be grated to reduce the risk of entrapment and drowning of manatees. USFWS has been told that manatees have been observed in the vicinity of this culvert. USFWS stated that bars or grates no more than eight inches apart shall be placed on the accessible end to restrict manatee access. Any other proposed pipes or culverts associated with this project that is greater than eight inches in diameter or smaller than eight feet in diameter should also be grated in this manner.

In summary, USFWS recommended including the Manatee Protection Plan for the Pasco County SunWest Park, the Standard Manatee Conditions for In-Water Work, and the grating of culverts as conditions in any permit issued for the proposed project. This includes a recommendation that the Corps condition the permit so that the proposed speed zones and seagrass regulatory signs are approved as defined therein prior to any dredging activity. USFWS also recommended that the manatee educational signs and the speed zone and regulatory seagrass signs be required to be in place prior to opening of the Park to motorized vessels.

USFWS indicated that for the SunWest Harbourtowne project that the applicant has proposed to adopt the Manatee Protection Plan for the Pasco County SunWest Park. The same conditions related to speed zones and seagrass regulatory signs proposed by the 2008 Manatee Plan and the additional recommendations by USFWS to avoid impacts to the manatee for the Park project (see above) should also be applied to the Harbourtowne project permit, if issued. This also includes the Standard Manatee Educational/Awareness Sign Conditions (July, 2005 revision). Manatee awareness signs at the boat lift area should be installed prior to authorize use of the proposed boat lift.

Wood Stork:

County Park:

The proposed Park project occurs within the core foraging area of six wood stork colonies; however the project area is not within the primary or secondary zone of a wood stork nesting colony. The project area was surveyed by project consultants for suitable habitat for the wood stork in spring 2006 and winter 2006/2007. Wading bird surveys were performed by walking the perimeter and interior of wetlands for a minimum of five days. Two blocks of three or more consecutive days were completed. Wood storks have not been observed nesting or foraging on site. Wood storks were not seen during the USFWS biologist's site visit in October, 2007. A high

salt marsh wetland (approximately four acres) dominated by sawgrass would be impacted as a result of the proposed project. USFWS determined that this wetland was not suitable habitat for wood stork foraging because the proper hydrologic regime for foraging purposes was absent. Therefore, USFWS has determined that the proposed project will not likely adversely affect the wood stork.

SunWest Harbortowne:

The project occurs within the core foraging area of six wood stork colonies. However, analysis of wetlands that will be impacted from the project shows that only a small portion (less than 0.5 acre) of one wetland could be considered suitable foraging habitat for the wood stork. Wood storks were observed in the inter-tidal marsh west of the project area during wildlife surveys (see discussion of wood stork presence/absence above). This area is not proposed for development. USFWS concurs with the Corps that the proposed project will not likely adversely affect the wood stork.

Eastern Indigo Snake:

County Park:

The Eastern indigo snake is wide ranging in a variety of habitats throughout Florida. USFWS did not request the Applicant to conduct a site survey specifically for the snake. No snakes were observed during wildlife surveys or other biological analyses of the site. Gopher tortoise burrows do not occur on the project site so relocation of tortoises is not proposed.

The Applicant has agreed to follow the Eastern Indigo Snake Protection Measures during project construction and USFWS has reviewed their site-specific protection plan. The plan includes a pre-construction meeting of construction personnel where an Eastern indigo snake educational pamphlet in both Spanish and English would be provided. Eastern indigo snake awareness signs (in both Spanish and English) would be placed in active construction areas and personnel gathering areas on the construction site. The site-specific plan should be included as a condition of the permit, if issued. USFWS has determined that the proposed project will not likely adversely affect the Eastern indigo snake.

SunWest Harbortowne

The Eastern indigo snake is wide ranging in a variety of habitats throughout Florida. USFWS did not request the applicant to conduct a site survey specifically for the snake. No snakes were observed during wildlife surveys or other biological analyses of the site. The applicant has agreed to follow the Eastern Indigo Snake Protection Measures during project construction and the Service has reviewed their site-specific protection plan. The plan includes a pre-construction meeting of construction personnel where an Eastern indigo snake educational pamphlet in both Spanish and English would be provided. Eastern indigo snake awareness signs (in

both Spanish and English) would be placed in active construction areas and personnel gathering areas on the construction site. The applicant proposes to relocate all gopher tortoises that occur onsite by excavating their burrows. A qualified biologist that has been designated by the State of Florida for such activities would be onsite during burrow excavation. In the unlikely chance that an Eastern indigo snake is found, only the authorized person would be allowed to handle the snake. USFWS concurs with the Corps that the proposed project will not likely adversely affect the Eastern indigo snake.

The USFWS addressed the Piping Plover and Florida scrub-jay because of the proposed SunWest Harbourtowne impacts and USFWS combined its response to the Corps' separate request for concurrence/consultation on each proposed project into one response.

Manatees:

By letter dated 27 July 2010, the Corps provided USFWS information concerning the slow speed zones and signage. Based on coordination with Florida Fish and Wildlife Commission (FWC) the Applicant would no longer be able to provide the speed zones and signage as a form of protection for the manatees. The Corps informed USFWS of a meeting scheduled on 3 August 2010.

By electronic mail dated 10 August 2010, USFWS provided a request for additional information.

By electronic mail dated 10 November 2010, the Applicant's agent provided a response to the USFWS RAI. The Applicant's agent stated that FWC approved the installation of navigational waterway markers and Seagrass Area Informational signs for the SunWest Channel. No speed zones were authorized. The Applicant's agent also stated that the Applicant agrees to the revised Standard Manatee Construction Conditions for In-Water Work (2009). The Applicant's agent provided a schematic of the proposed culvert replacement at the Strauber Memorial Mitigation Area. The Applicant's agent stated that the Applicant could not fund aerial manatee distribution surveys at this time.

By letter dated 17 November 2010, the Corps requested reinitiation of formal consultation on the manatee due to the Applicant's inability to establish slow speed zones and signage due to the preclusion by the State. In addition, the Applicant provided final mitigation plans.

By letter dated 15 February 2011, USFWS provided a response to the 17 November 2010 request to re-initiate consultation. USFWS stated that the proposed project changes do not affect the determinations previously made for other Federally listed species (wood stork, eastern indigo, Florida scrub-jay, and piping plover), these species will not be addressed and refer to the 11 August 2009 concurrence letter.

USFWS stated that according to the Wetland Impact and Mitigation Plan Summary (October 2010), the Applicant proposes to maintenance dredge the existing 6, 650-foot long canal and channel and dredge a new 16,350-foot channel for a total of almost 4.4 miles. The current proposed channel is designed with a bottom width of 65 feet, top width of 85 feet and a depth of 5 feet. Parking at the proposed boat ramp is for approximately 250 vehicles with boat trailers and 200 vehicles without trailers. A boat travel lift that was originally part of the SunWest Harbourtowne development is now included in the Park proposal. This travel lift would provide access to the Gulf of Mexico via the existing canal and existing/improved channel from the Harbourtowne development and could accommodate a maximum of 45 boats per day. The October document states that the proposed action would directly impact a total of 32 acres of wetlands and aquatic resources, of which approximately 27.4 acres are submerged aquatic resources associated with the channel dredging.

USFWS stated that to reduce direct construction-related effects and indirect vessel-use effects to the manatee, the Corps should incorporate the following as conditions to any permit for the proposed actions:

1. The permittees shall adhere to the Standard Manatee Conditions for In-Water Work (2009) for all phases of project construction and maintenance (including activities associated with the mitigation plan).
2. The permittees shall implement the Manatee Protection Plan for the Pasco County SunWest Park, with the exception of provisions for speed zones that were not approved by the State.
3. The permittees shall place all educational and seagrass area signs prior to opening of the Park to motorized vehicles.
4. No more than 45 boats per day will be allowed to utilize the travel lift between the SunWest Park and SunWest Harbourtowne development.
5. All new and existing culverts greater than 8 inches, but smaller than 8 feet, in diameter that are submerged or partially submerged in waters accessible to manatees shall have bars or grates installed at no more than 8 inches apart.

USFWS stated that with inclusion of these protective measures, impacts to manatees would be insignificant and discountable. No adverse modification of designated critical habitat is anticipated from this action. USFWS stated that if the above conditions are included in any permits, the proposed actions may affect, but are not likely to adversely affect the West Indian manatee.

By letter dated 19 April 2011, the Corps informed USFWS of project modifications. Specifically, during the FDEP permit review, it was determined that the limitation of the draft of the vessel would be more practicable than limiting the travel lift to 45 boats per day. Previously, USFWS recommended that no more than 45 boats per day be allowed to utilize the travel lift. In addition, the Applicant proposes to fill a 15.29-acre dredge hole known as

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

the Anclote Dredge Hole to an elevation consistent with the surrounding seagrass beds to allow for the successful transplantation and natural recruitment of seagrasses. In order to access this mitigation site, a temporary access channel will be dredged. The temporary access channel will be 400 feet in length by 40 feet in width and minus five (5) feet in depth. After the backfilling is complete the access channel will be restored. The Anclote Seagrass Creation Area is located northwest of the Anclote River Power Plant. Based on the project modifications, the Corps determined that the project may affect, but is not likely to adversely affect the West Indian manatee and requested concurrence with this determination.

By electronic mail dated 11 May 2011, USFWS requested additional information regarding the number of vessels to utilize the travel lift, the discrepancy in the acreages of SAV that would be impacted, and requested that the Corps reinitiate Section 7 consultation.

By electronic mail dated 11 May 2011, the Applicant's agent provided a response to the USFWS request for additional information. The Applicant's agent stated that the 45 boats per day limitation has not been removed and is included in the Pasco County Development Order. The Applicant's agent disagreed with re-initiating Section 7 consultation for a seagrass mitigation component.

By letter dated 13 December 2011, the Corps reinitiated consultation with the USFWS pursuant to Section 7 consultation. The Corps stated that new information had become available regarding Mitigation Area E the 15.29 acre Anclote Dredge Hole which would require dredging a temporary access and impacting 0.88 acres of SAV. The Corps stated that the project was previously reviewed and evaluated under the 2009 Manatee Key; however, the Anclote Dredge portion of the project was not part of the original review. Due to the discrepancies published in the previous public notice on the amount of the SAV impacts resulting from the proposed dredging and based on the proposed 7-lane boat ramp which would introduce approximately 250 boats into Fillman's Bayou and the cumulative impact of boats associated with the travel lift the Corps re-evaluated all portions of the proposed project through the revised Corps and the State of Florida Effect Determination Key for the Manatee (March 2011). Use of the March 2011 Manatee Key resulted in the "may affect" determination for the manatee. Therefore, the Corps is revising their determination of "may affect, but is not likely to adversely affect" to "may affect" the West Indian manatee (*Trichechus manatus latirostris*). In addition, the Corps provided USFWS with a copy of the revised sited plans, the Applicant's discussion of avoidance and minimization, and maintenance and monitoring plan.

By letter dated 11 January 2012, USFWS stated that after reviewing the description of the proposed work as described in the 13 December 2011 letter, the March 2011 Manatee Effects Key, and the March 2011 Manatee State-Wide Programmatic Biological Opinion,

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

USFWS determined that the analysis and conclusions stated in the 15 February 2011 ESA concurrence letter remain valid.

c. Endangered Species Act - Coordination with NMFS/PRD: NA/The proposed project:

(1) Will not affect these threatened or endangered species: Any/ .

(2) May affect, but is not likely to adversely affect:
Species: smalltooth sawfish and swimming turtles

The proposed project is located in habitat for the smalltooth sawfish and swimming sea turtles. The Applicant would utilize the standard protection measures for the smalltooth sawfish/sea turtle during dredging.

(3) May affect: Species: NA

(4) Will/ Will not adversely modify designated critical habitat for the smalltooth sawfish and swimming turtles.

(5) Is/ Is not likely to jeopardize the continued existence of the smalltooth sawfish and swimming turtles.

(6) The NMFS, Protected Resources Division (PRD) concurred/ provided a Biological Opinion(s). By letter dated 25 September 2009, NMFS, PRD reviewed and concurred with the effects determination. The concurrence letter considered the Applicant's mitigation proposal to include a 17-acre mine pond reconnecting to the adjacent canal and salt marsh. In addition, the SAV in the dredge footprint would be harvested prior to dredging and transplanted to the mine pond and to prop scars in nearby Fillman Bayou, which would be designated as the Fillman Bayou Resource Protection Area (FBRPA). The exclusion of motorized vessels would be established in a 1,560 acre area that would include the FBRPA and seagrass habitat in the adjacent nearshore Gulf of Mexico.

On 10 May 2011, the Corps provided NMFS/PRD with an effects determination and requested concurrence that the proposed project "may affect, not likely to adversely affect" the smalltooth sawfish and swimming sea turtles. The Corps provided information in accordance with 50 CFR §402.12 and 14(c) to assist in the review.

On 23 November 2011, the Corps electronically received NMFS/PRD letter which stated that the only changes to the original project are associated with mitigation and no new structures or dredging are proposed with the exception of dredging a temporary access channel for one of the mitigation projects. The new mitigation plan will increase the size of the action area as some of the newly proposed mitigation projects are off-site, and increase the amount and duration of in-water work; however, NMFS/PRD believes these actions would not lead to routes of effects not previously considered in the original 2008

consultation. The Applicant would still be required to adhere to the 2006 Sea Turtle and Smalltooth Sawfish Construction Conditions. Therefore, NMFS/PRD concurs with the Corps determination that the proposed project and mitigation actions are not likely to adversely affect protected species.

d. Essential Fish Habitat. Adverse impacts to Essential Fish Habitat will/will not result from the proposed project.

The 17 January 2008 public notice initiated EFH consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The proposal, at the time, was thought to impact approximately 11.8 acres of seagrass and macroalgae in the Gulf of Mexico, Fillman Bayou, and the access canal. These areas provide habitat for various stages of penaeid shrimp, red drum, snappers and migratory pelagic fish. The Corps' initial determination was that the proposed action could have a substantial impact on EFH or Federally managed fisheries in the Gulf of Mexico and Boggy Bay.

By letter dated 17 March 2008, NMFS/Habitat Conservation Division (HCD) recommended further SAV impact avoidance and minimization through project modifications to the proposed channel width and depth configurations. Until a full assessment of unavoidable impacts is provided for review by resource agencies, exact mitigation needs cannot be determined. NMFS provided three (3) EFH conservation recommendations.

By letter dated 17 November 2010, the Corps provided NMFS the Applicant's mitigation plan for review.

By letter dated 14 March 2011, NMFS/HCD re-stated that the agency had provided essential fish habitat conservation recommendations to the Corps consistent with the EFH consultation requirements prescribed in the Magnuson-Stevens Fishery Conservation and Management Act during the 17 January 2008 public notice. NMFS provided remaining mitigation issues to the Corps to assist in reaching a decision. NMFS stated that based upon review of the final submittal and associated seagrass mitigation plan, they offered twelve (12) specific comments to the 08 February 2011 submittal. (Refer to letter).

By letter dated 06 May 2011, NMFS/HCD stated that they continue to have concerns with the lack of detail in the SAV mitigation plan. NMFS stated that in accordance with Part IV, Section 3(a) of the Clean Water Act Section 404(q) MOA between the Departments of Commerce and Army, NMFS determined the proposed dredging of the navigation channels for both the public park and the SAV mitigation sites may result in substantial and unacceptable impacts to ARNI. NMFS further stated that the construction of the public park and adjacent residential and commercial developments could still meet the basic project purposed by limiting all construction activities to available upland areas. However, the work needed to provide boat access is likely to substantially adversely affect EFH, ARNI, and associated fishery resources. NMFS stated that less damaging alternatives exist that would further avoid, minimize, and mitigate the predicted losses and injuries to EFH. NMFS provided EFH conservation recommendations as detailed in the 06 May 2011 letter.

By letter dated 17 May 2011, NMFS/HCD stated that in accordance with Part IV, Section 3(b) of the Clean Water Act Section 404(q) MOA between the Departments of Commerce and Army, NMFS determined the proposed work will substantially and unacceptably impact aquatic resources of national importance, as well as essential fish habitat and associated living marine life. NMFS' letter dated 12 April 2011 provides details on why the anticipated impacts from the project as proposed will be substantial and unacceptable, and that letter also elaborates on why the permit must be modified, conditioned, or denied.

By letter dated 28 November 2011, NMFS/HCD provided a response to the 07 November 2011 Corps letter which provided a compact disc containing forty (40) files and provided the Applicant's final project and mitigation plans, as well as a response to the 06 May 2011 letter. NMFS/HCD stated that the current mitigation plan remains largely unchanged from the previously reviewed and includes: 1) a combination of on-site and off-site SAV transplanting in areas currently devoid of SAV, creation of elevations suitable for SAV by filling in old dredge holes, and natural SAV recruitment, totaling 29.23 acres of SAV mitigation; and 2) wetland creation and enhancements, as well as hydrological improvements, totaling 77.68 acres of wetland mitigation. NMFS stated that inadequately offsetting impacts to EFH would be inconsistent with guidance provided through the Corps and USEPA's Wetlands Compensatory Mitigation Rule (Rule). Given the scale and scope of the potential direct and temporal project impacts and the uncertainty of success of the proposed SAV mitigation, NMFS stated that the Rule's requirement to use science-based assessment procedures to evaluate the extent of potential water resource impacts and success of compensation measures must be applied. NMFS recommended the habitat equivalency analysis (HEA) as one acceptable tool available. NMFS stated that the utilization of a HEA may be appropriate in determining mitigation required to offset temporal and direct ecological service losses from this proposed project.

As a follow-up to the 20 January 2012 meeting between the Corps, NMFS/HCD, and the Applicant, NMFS provided a list of concerns: 1) minimizing or avoiding impacts to SAV; 2) the inadequacy of the SAV mitigation plan; 3) the need for 2:1 ratio of in-kind (seagrass for seagrass) compensatory mitigation; 4) the completion of a scientifically accepted analysis by the applicant to confirm anticipated ecological lift from implementation of the proposed SAV mitigation plan. The Applicant introduced the concept of an inclusion area referred to as a seagrass protection zone (SPZ) as direct SAV mitigation components to achieve the NMFS recommendation of 2:1 SAV mitigation. NMFS agreed to consider the concept of SPZs because additional SAV mitigation appears unavailable, and the increase in boat traffic and size would reasonably be presumed to cause secondary and cumulative SAV impacts. NMFS stated that a ratio of 1:1 would not be acceptable.

NMFS stated that while NMFS agreed to the proposed 29 acres of SAV mitigation, it remains NMFS' contention that inadequately offsetting impacts to SAV through implementation of the SAV mitigation plan as proposed would be inconsistent with the Corps of Engineers' policy for compensatory mitigation to replace the function and services of impacts to unavoidable aquatic resources. The applicant

proposes a combination of primarily natural recruitment of SAV and transplanting to offset anticipated impacts to SAV by channel construction. Dr. Mark Fonseca, of NOAA's Center for Coastal Fisheries and Habitat Research, reviewed the final SAV mitigation plan and provided comments. Dr. Fonseca identified deficiencies and inadequate details with the proposed SAV transplanting plan and monitoring frequencies, extreme risk associated with natural recruitment of SAV within the created sites, and concluded the project has the potential to create a significant and persistent loss of seagrass habitat.

By letter dated 14 February 2012, NMFS provided a response to the 31 January 2012 information provided by the Corps which was a review of the Applicant's 26 January 2012 Seagrass Protection Zone (SPZ) proposal. It is NMFS' position that protection of existing high quality SAV habitat from secondary impacts is not an acceptable mitigation strategy to compensate for the lost SAV ecosystem services resulting from the proposed SunWest Channel. NMFS stated and the Corps concurs that for a SPZ to be acceptable, the Applicant must demonstrate the SPZ has potential to provide an ecological lift, such as repairing a significant acreage of existing prop scars. Based upon a review of recent aerial photography, NMFS staff found little prop scarring in the proposed SPZ. NMFS stated the SPZ as currently proposed has low potential to provide the necessary ecological lift to offset lost ecosystem services.

By letter dated 19 September 2012, NMFS provided a response to the public notice dated 04 September 2012 NMFS previously provided written comments to the U.S. Army Corps of Engineers (USACE) in response to two public notices dated 17 January 2008, and 12 April 2011. By letters dated 17 March 2008, and 6 May 2011, NMFS provided essential fish habitat (EFH) conservation recommendations for this project. From NMFS' review of the 12 April 2011 public notice, and pursuant to Part IV, Sections 3(a) and 3(b) of the 1992 Clean Water Act 404(q) Memorandum of Agreement between the Department of Commerce and the Department of the Army, NMFS determined the proposed work will substantially and unacceptably impact Aquatic Resources of National Importance (ARNI), as well as EFH and associated living marine resources. NMFS also provided written comments to the Corps on 28 November 2011, in response to the Corps' letter, dated 7 November 2011, outlining the Applicant's final mitigation plan, and on 14 February 2012, in response to the Applicant's 26 January 2012, seagrass protection zone (SPZ) proposal. NMFS stated that in order for regulatory agencies to continue to utilize SPZs as a mitigative tool, SPZs must:

- be effectively delineated to deter vessel entry and thus, additional seagrass injury;
- be legally enforced by the applicant (i.e., enforcement does not become a burden of the public);
- be evaluated for seagrass recovery using scientifically defensible methods and metrics; and
- be of sufficient scale so as to provide ecosystem services that offset impacts to the primary impact site.

NMFS remains concerned regarding the efficacy of these areas to offset direct impacts to SAV because:

- o the unknown amount and relative abundance of seagrass species affected by props in the proposed SPZs;
- o the fact natural recovery may have already occurred in the proposed SPZs, depending on the seagrass species impacted by scars; and
- o the depth and width of prop scars were not measured or documented in the proposed SPZs.

NMFS has repeatedly stated the proposed unenforceable SPZs should be viewed as a management measure to minimize and avoid secondary impacts caused by increased vessel traffic in areas of SAV, not as mitigation for direct project impacts to EFH and ARNI. NMFS consulted with Dr. Mark Fonseca, a NOAA seagrass expert, for review of the adequacy of the plans. Dr. Fonseca's review indicated the plans contained insufficient information to judge the efficacy of the SAV restoration and concluded the project has the potential to create a significant and persistent loss of seagrass habitat. With the exception of the locations, quantities, and sizes of proposed SPZs from 550 to 992 acres, the SAV mitigation plan outlined in the 4 September 2012, public notice remains unchanged from the plans Dr. Fonseca has reviewed.

NMFS stated that the Applicant's proposed mitigation is inadequate and poses significant ecological risk in providing necessary ecosystem services in a timely manner to offset impacts from new channel construction. Therefore, NMFS maintains previous determinations that the project would result in significant, adverse impacts to both EFH and ARNI. Additionally, based upon past experience with similar projects, NMFS stated that authorizing direct SAV impacts of this magnitude for construction of a new recreational boat channel would be unprecedented. As identified in prior comment letters to the Corps, NMFS is not opposed to construction of the proposed public park. However, due to insufficient mitigation to offset the proposed impacts to EFH and ARNI, NMFS continues to recommend Department of the Army authorization to dredge 28.8 acres of SAV for construction of a new recreational boat channel, as currently proposed, should not be granted.

The Applicant has stated that it is not practicable to implement the EFH recommendations, specifically the recommendation identified in the 06 May 2011 letter which required no less than 54 acres of seagrass restoration. Since the Applicant declined to further minimize project impacts and implement all the EFH conservation recommendations the Corps concurs with the NMFS/HCD that the proposed project will adversely impact EFH resources.

The Corps independent opinion is that the project will adversely affect Essential Fish Habitat (EFH) and will substantially and unacceptably impact nationally important aquatic resources.

e. Historic Properties. The proposed project will/will not have any effect on any sites listed, or eligible for listing, in the National Register of Historic Places, or otherwise of national, state, or local significance based on letter from SHPO/ dated 24 March 2009. Refer to Section 2.b which provides a discussion regarding compliance with the National Historic Preservation Act (“NHPA”) and the scope of analysis on historic property resources for purposes of Section 106 of the NHPA.

f. Cumulative & Secondary Impacts.

The proposal will add to cumulative adverse effects in the region .The project site is located in an area of Florida referred to as the "Nature Coast", which is characterized by relatively undisturbed and unimpacted coastline. The project will change the characteristics, values and functions of the area. Fillman Bayou is currently a pristine, undeveloped area, with limited recreational and commercial usage. Submerged aquatic vegetation (SAV) consisting of seagrass and macroalgae habitat are abundant and are designated by GMFMC as EFH. In addition, this part of Pasco County has experienced little to no developmental pressure. The project site is adjacent to environmentally sensitive lands that are managed and preserved by the Southwest Florida Water Management District. Although the proposed project is to construct a County Park that would provide recreational opportunities to the citizens of Pasco County and visitors to the region, the project has the potential to result in adverse cumulative and secondary impacts on SAV habitats at and adjacent to the project site. Significant increases in the number and sizes of recreational vessels expected to utilize the proposed channel would likely result in significant secondary impacts on SAV through vessel groundings, propeller scarring, increased turbidity, petroleum spills, and vessel wakes. The project induced increase in the number of vessels has the potential to increase the number of vessel strikes on manatees and sea turtles utilizing the area.

Additional potential cumulative and secondary seagrass impacts could result from boat wakes within and adjacent to the proposed channel alignment. Based on data indicating decreased light penetration associated with weekend boat traffic, Kenworthy et al. (1988) found a potential cause-effect relationship between boating activities and increased turbidity. Seagrasses are dependent upon sunlight, water clarity, and are sensitive to decreased light penetration. Increased numbers and sizes of boats result in chronic resuspended sediments and eroded seagrass beds along the edges of deeper channels. Once seagrasses are lost, that system’s capacity to stabilize sediments is also lost. A negative cycle is initiated when resuspended sediments reduce the amount of light available for seagrasses to survive and grow, which reduces seagrass coverage, reduces sediment stabilization thereby compounding the availability of additional resuspended sediments. Additional unanticipated secondary impacts to aquatic resources at and adjacent to the channel construction project site include increased noise from boat traffic, degraded water quality through oil and petroleum contamination, and air quality through internal combustion exhaust.

Further, a majority of the proposed seagrass mitigation would include the restoration of the existing Anclote Dredge Hole, located approximately 17 miles south of the project site. Dredged materials for channel construction would be placed within the dredge hole to match existing sediment elevations to allow for the transplanting and natural recruitment of seagrasses. However, extensive seagrass beds and shallow water exists between the proposed channel construction and the dredge hole mitigation site. Details regarding the vessel types, propulsion, drafts, and anticipated routes for the transportation of sediments to the dredge hole are unknown, and could result in additional extensive secondary seagrass impacts.

In addition, the potential direct effect to manatees is the dredging activity and the indirect effect is additional vessel traffic in the waterway. In this area, boat access is currently very limited because of inaccessibility to the existing canal and channel and shallow water depths. There is currently a primitive one lane boat ramp at the eastern end of the canal, but this is behind a locked gate owned by the mining company and the public is prevented from access. The mining company does not use the channel. The proposed project is not within designated critical habitat.

The exact volume of additional boat traffic is unknown, but is considered to be related to: 1) the addition of 250 boat trailer parking spaces at the proposed SunWest Park that would allow as many boats to enter the channel via the seven proposed boat ramps; 2) a projected maximum of 45 boats per day from the proposed SunWest Harbourtowne lake marina into the Gulf channel via a travel lift; 3) the enhanced boat accessibility and thus increased watercraft access through the proposed channel by boats originating elsewhere. Therefore, the Corps concurs with USFWS assessment to consider that the proposed project would increase watercraft access to the area by over 300 vessels.

There are no recorded watercraft-related manatee deaths in the action area. Aerial surveys have not been conducted in this area; however, one manatee that was tagged in Tampa Bay has been shown to use this area. Manatees will use this area while moving north and south or may remain here for breeding and birthing as the area is relatively quiet and mostly isolated from human activity. The action area has extension shallow water and seagrass beds and provides foraging habitat for manatees.

Pasco County does not have a State-approved or Federally-approved Manatee Protection Plan and was not one of the original 13 counties required to do so. For the last 10 years, all eight of the watercraft-related manatee deaths in Pasco County have occurred at or near the mouth of either the Pithlaschascotee River or the Anclote River. These rivers are the primary source of watercraft in Pasco County, the remainder of the County is marshy Gulf shoreline with the exception of channel access in the coastal town of Hudson. There are four public boat ramps in Pasco County and a recent traffic study of the County showed there were 180 boat launches per day. The two proposed projects could potentially add approximately 300 launches per day. Cumulatively, the launching of 300 boats per day would more than double the current boat launches in this area. Currently, there are no

State-designated or County-designated manatee speed zones or other speed zones in the project vicinity.

In summary, and in consideration of secondary and cumulative impacts to aquatic resources, this project has the potential to create a significant and persistent loss of seagrass habitat.

f. Corps Wetland Policy. The proposed wetland alteration is not necessary to realize the project purpose and would result in adverse environmental impacts to wetlands and submerged aquatic vegetation. The Applicant has not met their obligation under the 404(b)(1) Guidelines to rebut the presumption that other alternatives exist that would have less environmental impact. NMFS stated that based upon their past experience with similar projects; authorizing direct SAV impacts of this magnitude for construction of a new recreational boat channel would be unprecedented. NMFS recommended that DA authorization to dredge 28.8 acres of SAV for construction of a new recreational boat channel should not be granted. The project has not been shown to comply with the sequential requirement to avoid, minimize then provide adequate and appropriate mitigation for unavoidable wetland and SAV impacts. The benefits of the project do not outweigh the detrimental impacts. Therefore, the project is not in accordance with the Corps wetland policy.

g. (NA) Water Quality Certification under Section 401 of the Clean Water Act has/has not yet been issued by the Department of Environmental Protection/ Water Management District/Commonwealth.

h. Coastal Zone Management (CZM) consistency/permit: There is no evidence or indication from the State of Florida that the project is inconsistent with the Florida CZM. Issuance of a State permit certifies that the project is consistent with the CZM plan.

i. Other authorizations. NA

j. (NA) Significant Issues of Overriding National Importance. USEPA and NMFS classified the wetlands and SAV habitats as an Aquatic Resource of National Importance (ARNI). This project would result in the direct loss of 28.8 acres of valuable seagrass habitat at the project site, and would decrease the contribution of the project site for fisheries production within the project area. Seagrasses in the project area are designated as EFH for postlarval, juvenile and subadult shrimp; postlarval, juvenile and adult red drum; adult spiny lobster; postlarval, juvenile and adult gray snapper; juvenile red and gag groupers; and juvenile and adult yellowtail and lane snappers; and bull, lemon, and bonnethead sharks managed by National Marine Fisheries Service. Significant increases in the quantity and sizes of recreational vessel expected to utilize the proposed channel would likely result in significant secondary impacts on SAV through vessel groundings, propeller scarring, increased turbidity, petroleum spills, and vessel wakes. The project induced increase in the number of vessels has the potential to increase the number of vessel strikes on manatees and sea turtles utilizing the area. The proposed project also results in the discharge of fill

material into 3.85 acres of wetlands. The Applicant has not clearly demonstrated that there are no practicable alternatives with less impacts on special aquatic sites. Furthermore, the Corps has determined that practicable alternatives exist that would eliminate and/or minimize the proposed discharge of fill material into waters of the United States.

k. (□NA) Internal Coordination. According to the 01 May 2012 Memorandum for Record (MFR), the Corps' Jacksonville District Engineering Division compared the Applicant's engineering analysis with the Corps' engineering design conforms to the Corps of Engineers EM 1110-2-1615 Hydraulic Design of Small Boat Harbors. The guidance discusses the necessity for an economic analysis leading to the selection of an appropriate "design vessel" for engineering design of channels, turning basins, and other features associated with a "small boat" harbor. The design bottom widths are for the straight sections of the proposed channel, the memo indicated that if there are turns in the channel, a review of the plans and specifications for the channel alignment in order to provide guidance for the sizing of the appropriate turn widenings. The Applicant's design recommended a 65 foot channel bottom width and provided no other design features. In particular, the Applicant's design did not provide the design channel depth and the Applicant's design did not provide the analysis required to select the appropriate design vessel. The Corps analysis of the Applicant's design vessel and a smaller design vessel more representative of registered boaters recommended a narrower channel bottom width.

According to the 29 November 2012 MFR, Engineering Division provided a technical review and provided formal comments on the document entitled Hydraulic and Ecological Analysis for Strauber Memorial Highway Culvert Replacement, revised October 2010 and Strauber Memorial Highway, Construction Plans. The proposed project is to replace three (3) existing reinforced concrete pipe culverts under the Strauber Memorial Highway with two (2) 7' X 9' concrete box culverts. The purpose of the project is to restore the exchange of water between Fillmore Creek and Sawyer's Basing during tidal and rainfall-driven events. The review stated that while it is probable that the proposed project would provide hydrologic and ecological benefits to the project area to some degree, no water quality or ecological modeling had been provided to quantify specific ecosystem benefits of the project. The MFR listed twenty (20) comments which mostly stated that no discussions or supporting information had been provided to support the Applicant's statements in their report. The MFR did discuss that potential impacts may occur to the Beacon Square Subdivision if the invert elevations of the stormwater system are below the predicted high tides. Based on Engineering Division's review of the proposed culvert replacement, the Corps Regulatory Division has determined that the proposed work could potentially affect the Beacon Square Subdivision and would have an adverse impact on the flood hazard public interest factor. In addition, the proposed work would provide hydrologic and ecological benefits to the project area to some degree, however the Applicant failed to demonstrate that the culvert replacement which is a part of a mitigation component to offset the direct loss of 28.8 acres of seagrasses.

On 25 January 2013, Planning Division provided a MFR detailing their review of the SunWest HEA. The MFR addresses the Applicant's concerns that were identified at the 13 December 2012 meeting. The Jacksonville District, Regulatory Division requested that the Jacksonville District, Planning Division HEA technical expert for Civil Works conduct an independent analysis of the HEA. As indicated in the MFR, using a metric such as discounted service acre-year (dSAY) is appropriate and providing zero recovery within a dredged channel that will be maintained as a channel is consistent with Civil Works application. In order to address several issues discovered by the independent expert, the HEA was applied and a separate analysis was run for a recovery of 7 years based on Civil Works' determination of a recovery timeline of 6-9 years without any planting. The last HEA iteration run by the Corps and NMFS provided a 5-year recovery which generated more dSAYs. A summary was prepared by our technical expert which addressed the Applicant's concerns in detail. When analyzed by our technical expert, the HEA run by Corps/NMFS was applied correctly for in-kind mitigation components including the chosen service lift of 75% for Anclote Dredge Hole and 50% for Strauber Memorial Culverts based on the information provided to support your mitigation plan. However, there was a noted discrepancy for out-of-kind mitigation components. Specifically, some out-of-kind mitigation components did not provide the correct delta between Uniform Mitigation Assessment Method (UMAM) scores. The data was analyzed using the "Visual HEA" version 2.6 with the correct UMAM delta and resulted in a mitigation deficit. The mitigation deficit documented in the HEA run by our technical expert represents the Corps' final HEA analysis for this project. The Corps has determined that the mitigation step of the sequencing process was not reached and the proposed compensatory mitigation was no longer fully reviewed.

On 13 February 2013, Planning Division provided a MFR detailing their review of the Applicant's seagrass survey information to assist with Planning Division's Review of the SunWest HEA. The review found that the Applicant conducted four (4) surveys, two (2) for the entire project footprint, however one (1) seagrass survey (October 2007) was outside of the approved seagrass survey window of April - September. The third survey for the "NMFS Alignment" was conducted in June 2008; however it was not for the entire channel footprint. The fourth survey was conducted in June 2009 for only Zones 2 and 3. Planning Division stated that there was not enough detailed data of the project to be of value to the Habitat Equivalency Analysis (HEA). The memo also states that the Applicant's information understates the current seagrass coverage being impacted by the project by 10-25%. Planning Division recommended an updated seagrass survey that covers the entire project footprint utilizing a modified Braun-Blanquet method, including GIS shape files of the data for each of the quadrats, and needs to be completed for the proposed project. Without this information a scientifically valid HEA cannot be completed. Additionally, comparing an expansion of a navigation project that was originally dredged more than 75 years ago with subsequent O&M operations, to the proposed channel in a pristine area would be inappropriate. The Corps provided Planning Division's recommendations to the Applicant; however, the Applicant chose not to provide the requested information. The Corps has determined that the mitigation step of the sequencing process was not reached and the proposed compensatory mitigation was no longer fully reviewed.

9. Compensatory Mitigation. Prior to assessing the adequacy of the compensatory mitigation proposal, the Applicant must first clearly demonstrate that project impacts have been avoided and minimized to the maximum extent possible. As indicated above, the Corps determined that the Applicant has not clearly demonstrated that its preferred alternative is the least environmentally damaging practicable alternative and the Corps identified off-site and on-site practicable alternatives with less impacts on the aquatic environment. The Corps has repeatedly requested a complete mitigation plan that includes the requirements of RGL 02-02 and the 2008 Compensatory Mitigation Rule. The Applicant has failed to provide a complete mitigation plan. Initially, NMFS requested a 3:1 ratio to offset the SAV impacts, which was later reduced to a 2:1 ratio, however, the Applicant was unable to provide SAV mitigation to achieve a 2:1 ratio. NMFS stated on several occasions that the national failure for SAV mitigation is 50%. Early in the project review NMFS recommended that the Applicant utilize an assessment tool and suggested the Habitat Equivalency Analysis (HEA). Since the Applicant was unwilling to utilize the HEA, Corps Regulatory Division and NMFS independently evaluated the proposed mitigation plan by utilizing the HEA. To address the out-of-kind mitigation in the HEA, the Corps/NMFS analysis included Uniform Mitigation Assessment Method (UMAM) to determine the service lift. During the evaluation of the out-of-kind areas, the Corps/NMFS UMAM analysis differed from the State because some of the components accepted by the State are not appropriate as Federal mitigation, i.e. exotic removal on uplands, completed work. The Applicant disagreed with the HEA analysis which showed that the mitigation was still insufficient to offset the SAV losses. The Corps Regulatory Division elevated the HEA analysis to the Corps Planning Division for an independent review by the Jacksonville District HEA technical expert who confirmed correct application of HEA and insufficient mitigation provided to date. Even though the HEA was utilized the mitigation proposal was not fully analyzed since the mitigation step of the sequencing process was not reached and the mitigation plan is not complete per the Corps requirements.

A Habitat Equivalency Analysis (HEA) model was run for the project and indicated a deficit with the proposed mitigation. During the review of the compensatory mitigation proposal, the Applicant's agent asserted that the Corps and NMFS incorrectly used the HEA model because a metric such as density was not used. The Applicant's agent alleges that the Corps and NMFS should include recovery for the dredge channel and disputed the service lift for the mitigation areas. The Applicant alleges that if the HEA were run appropriately, it would reveal that sufficient mitigation was proposed to offset the wetland and SAV impacts. To address the Applicant's concerns, the Corps requested an independent analysis by the Jacksonville District, Planning Division HEA technical expert for Civil Works (See Section 8(k) Internal Coordination). The proposed compensatory mitigation proposal consisted of fourteen (14) separate component pieces which included five (5) in-kind mitigation (creation of seagrass habitat) and nine (9) out-of-kind mitigation.

In the HEA analysis, because some of the mitigation was out of kind, and since the habitats were not all the same, a common denominator was needed for an assessment metric. HEA establishes the discounted service acre-year (dSAY) as the "common currency" for comparison of the public's value of past injury and future restoration in a common time

frame.⁴⁰ The decision was to use dSAYs gained by each component of the mitigation proposal in relation to the impact area. The Applicant opposed the use of this metric and instead supported the use of seagrass density. However, as explained in NMFS' letter dated 29 January 2013, leaf density is one of many factors used to determine the ecological values and services of a seagrass bed. For example, the plant structure of a *Halodule* bed will generally have a more dense leaf canopy than a *Thalassia* or a mixed bed composed of both species. Alternatively, one seagrass bed may have a more patchy appearance than another. In addition, leaf blade lengths may be different in one *Thalassia* bed than in another, which may give the appearance one bed is denser.⁴¹ Also, since the applicant had supplied no recent *in situ* field data or surveys to provide information about seagrass density, cover, and species composition, the % service lift associated with each section of the mitigation would be determined using the delta between the baseline assessment score and the final assessment score from the UMAM conducted by the Tampa Regulatory office. Baseline service level is assumed to be zero for all areas at the time of “construction” of the mitigation.

The total impact area was determined to be 26.8 acres of direct impact, with 2.0 acres of impacts associated with overdredge and temporary impacts of 0.88 acres associated with temporary impacts associated with mitigation construction at the Anclote Dredge hole site. Recovery timeframes were based on review of peer-reviewed scientific literature and discussions with seagrass restoration experts within NOAA’s recovery program. Some of the recovery values were determined to be optimistic by NOAA staff, deferring to the information provided by the Applicant that sea grasses grow at high rates in the project area.

The following table represents the fourteen (14) mitigation components of the Applicant's proposed compensatory mitigation proposal:

Table 20: SunWest Park Mitigation Components⁴²

In Kind Mitigation Components			
Name	Size (acres)	UMAM Value for % Service Lift	Time to Recovery
Anclote Hole	15.29	75%	7 years
Mine Pit #5	7.36	75%	7 years
Spoil Mound Removal	1.35	75%	7 years
Werner Boyce Park grass create	1.35	75%	7 years
Strauber Culvert replacement	4.0	50%	7 years

⁴⁰ Julius, B. 1999. Discounting and the Treatment of Uncertainty in Natural Resource Damage Assessment: Technical Paper 99-1. Silver Spring, MD.

⁴¹ 20130129 NMFS letter_seagrass density.pdf

⁴² 20130125 Civil Works HEA Review

Out of Kind Components			
Werner Boyce B-2	2.17	40%	5 years
Werner Boyce B-3	0.95	20%	5 years
Werner Boyce B-4	12.4	4%	5 years
Pasco BP C-1	13.42	4%	5 years
Pasco BP C-3	0.6	47%	5 years
Strauber Culverts – mangroves	15.6	4%	1 year
Strauber Culverts – marsh	3.9	4%	1 year
Strauber Culverts – saltern	13.4	4%	1 year
Strauber Culverts – subtidal	6.86	4%	1 year

Results of the analysis indicated that the proposed dredging (including overdredge) of the channel will result in a loss of 28.8 acres and 988.800 dSAYs. The direct impacts associated with construction of the Anclote Dredge hole results in the loss of 1.299 dSAYs. However, the mitigation associated with the Anclote Dredge hole can include mitigation for these direct impacts resulting in the total gain of 21.067 dSAYs, and a subsequent need of 0.054 acres of mitigation.

In order to address several issues discovered by the independent expert, the HEA was applied and a separate analysis was run for a recovery of 7 years for the seagrass mitigation components based on the Corps Civil Works' standard application of a recovery timeline of 6 to 9 years for seagrass areas without planting. Previously the Corps and NMFS HEA were run based on a 5-year recovery which generated more dSAYs. In addition, the HEA expert noted that there was a discrepancy for out-of-kind mitigation components. Specifically, some out-of-kind mitigation components did not provide the correct delta between the Uniform Mitigation Assessment Method (UMAM) scores.

The following table provides a summary of the mitigation components and the project deficit of needed mitigation to replace the functional losses associated with dredging and continued maintenance of the proposed channel.

Table 21: HEA Analysis Summary for the SunWest Park project⁴³

In Kind Mitigation Components – 7 Years			
Name	Size (acres)	dSAYs gained per acre of impact	Total dSAYs of mitigation component
Anclote Hole	15.29	23.262	355.676
Mine Pit #5	7.36	23.262	171.208
Spoil Mound Removal	1.35	23.262	31.404
Werner Boyce Park grass create	1.35	23.262	28.612
Strauber Culvert replacement	4.0	15.508	62.032
Total In Kind Mitigation dSAYs			648.932
Total dSAYs lost by project construction		988.800	
Total dSAYs gained by in kind mitigation		648.932	
Deficient of dSAYs		339.868	
Deficient remaining with out of kind multiplier (1.3)		441.828	
Total dSAYs gained by out of kind mitigation		129.668	
dSAY deficit remaining for mitigation		312.160	

The HEA analysis resulted in a mitigation deficit of 312.160 dSAYs. This mitigation deficit represents the Corps' final HEA analysis for the project based on the information to date.

However, the Applicant has not clearly demonstrated that there are no practicable alternatives with less impact on special aquatic sites. Furthermore, the Corps has determined that practicable alternatives exist that would eliminate and/or minimize the proposed discharge of fill material into waters of the United States. Therefore, the mitigation step of the sequencing process was not reached and the proposed compensatory mitigation proposal was not fully reviewed.

⁴³ 20130125 Civil Works HEA Review

10. General evaluation criteria under the public interest review. The Corps considered the following within this document.

a. The relative extent of the public and private need for the proposed structure or work. The public benefits include temporary employment opportunities during the construction phase of the project and additional public access to Fillman Bayou and the Gulf of Mexico. The proposed project includes the construction of a 7-lane boat ramp for a 36 foot length, 10 feet beam or the largest trailerable vessel requiring a special permit, 250 boat trailer parking space and 219 passenger car parking spaces. The Corps recognizes that the County requires the siting of additional BAP and the Master Plan (2001) states that based on population demands for Pasco County additional BAPs are needed. However the Applicant has not clearly demonstrated the need a 7-lane boat ramp to accommodate the largest trailerable vessels. As discussed in Sections 6 and 7, the Applicant has not clearly demonstrated that the project complies with the 404(b)(1) Guidelines and Public Interest Review.

In addition, the project has the potential to negatively impact revenue generated from recreational and commercial fishing activities. Although seagrass is not harvested as a natural resource in Florida, the economic value of seagrass is measured through other industries, including commercial and recreational fisheries revenue, and nature and wildlife tourism, which depend on seagrasses for economic sustainability. Approximately 70 percent of Florida's harvested fishery species spend a portion of their life cycle within seagrass communities, healthy seagrasses are vital to the survival of this industry.

Florida leads all states in economic impacts for its marine recreational fisheries and has one of the top producing commercial fisheries in the country. According to the U.S. Fish & Wildlife Service's National Survey on Hunting, Fishing, and Wildlife Viewing in 2006 (values updated through Feb. 2011), Florida's recreational saltwater fishery has an economic impact of \$5.7 billion, supporting more than 54,500 jobs. In the 2010/2011 fiscal year, over 1.2 million individuals bought a saltwater recreational fishing license, including more than 860,000 Florida residents and 394,000 non-residents. Total revenue for all marine recreational fishing license sales was over \$25 million. The Department of Commerce's Fisheries Economics of the United States 2009 says west Florida recreational anglers took 15.5 million trips: 8.4 million private/rental, 6.4 million by shore, and 567,000 by party/charter boat. For the 2010/2011 fiscal year, 23,864 Saltwater Products Licenses were sold, 10,685 of which generated revenue for the state. Top targeted recreational species include: Spanish mackerel, spotted seatrout, red drum and grouper/snapper.

As for Florida's commercial fishery, in 2008 NOAA Fisheries ranked Florida the eleventh state in commercial landings with over 86 million pounds, and seventh in ex-vessel value at \$170 million. The Department of Commerce's Fisheries Economics of the United States 2009 had Florida's commercial fishery as the second largest in the nation generating \$12 million in in-state sales and third in the nation with 64,744 jobs supported by commercial fishing. For the 2010/2011 fiscal year the total revenue generated by commercial licensing and permits in that time period was more than \$3.9 million. Florida's top commercial species in 2010 by ex-vessel value include: Spiny Lobster - \$35,530,543; Stone Crabs -

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

\$23,708,871; Pink Shrimp - \$15,154,929; Blue Crab (hard shell) - \$9,676,374; Red Grouper - \$8,987,665; and King Mackerel - \$8,784,295. Source for this economics section: <http://www.myfwc.com/conservation/value/saltwater-fishing/>

b. There are no unresolved conflicts as to resource use. (There are unresolved conflicts as to resource use. One or more of the alternative locations and methods described above are reasonable or practicable to accomplish the objectives of the proposed structure or work but are not being accepted by the Applicant. The Applicant has not demonstrated a need for the project as proposed. In addition, the Applicant has neither avoided nor minimized wetland and SAV impacts where practicable, while still attempting to realize the overall project purpose. The Corps wetland policy states that the least environmentally damaging practicable alternative may be authorized if the impacts are not contrary to the public interest. Less environmentally damaging alternatives exist for the proposed project. The Corps has determined that less damaging practicable alternatives are presumed to exist, however, the Applicant has not clearly demonstrated otherwise, therefore the Corps has determined that the proposed project is not in accordance with the Corps wetland policy.

c. The extent and permanence of the beneficial and/or detrimental effects, which the proposed work is likely to have on the public, and private uses to which the area is suited. The beneficial effects associated with utilization of the property would be permanent. The beneficial effects include a beach access area and associated parking, kayak/canoe docking facility, nature/walking trail, fishing pier, boat ramp and associated boat parking, restrooms, and picnic pavilions that could be utilized by the public. Detrimental impacts to the environment would be permanent in the project footprint and outside the project area (i.e., increased prop scarring, groundings due to increased vessel traffic). The detrimental impacts would be the loss of valuable submerged aquatic vegetation (SAV) habitat and aquatic resources of national importance. The detrimental impacts would be to conservation, economics, general environmental concerns, wetlands, fish and wildlife values, flood hazards, navigation, recreation, water quality and safety as discussed in the public interest review above. Detrimental impacts would be cumulative and set a precedent for impacts to aquatic resources, resulting in the potential to create a considerable loss to SAV habitat.

11. Determinations.

a. (NA) Public Hearing Evaluation: The Corps received eleven (11) requests for a public hearing in response to the public notices published 17 January 2008, 11 April 2011 and 04 September 2012. (See Table 11) All information in the file has been evaluated and the review indicates that there is no valid interest to be served by a public hearing because the issues raised by public commenters have been addressed in this decision document and the Corps is denying the permit application. The Corps determined that the Applicant did not meet their obligation under the 404(b)(1) Guidelines to rebut the presumption that other practicable alternatives exist that would have less environmental impacts. The project has not been shown to comply with the sequential requirement to avoid, minimize, and then provide adequate and appropriate mitigation for unavoidable wetland and SAV impacts. Furthermore, the Corps determined that the benefits of the project do not outweigh the detrimental impacts and, therefore, the project is contrary to the public interest.

b. Section 176(c) of the Clean Air Act General Conformity Rule Review: The proposed permit action has been analyzed for conformity applicability pursuant to regulations implementing Section 176(c) of the Clean Air Act. It has been determined that the activities proposed under this permit will not exceed de minimis levels of direct or indirect emissions of a criteria pollutant or its precursors and are exempted by 40 CFR Part 93.153. Any later indirect emissions are generally not within the Corps' continuing program responsibility and generally cannot be practicably controlled by the Corps. For these reasons a conformity determination is not required for this permit action.

c. Relevant Presidential Executive Orders.

(1) EO 13175, Consultation with Indian Tribes, Alaska Natives, and Native Hawaiians. This action has no substantial direct effect on one or more Indian tribes. ()

(2) EO 11988, Floodplain Management. Not in a floodplain. (Alternatives to location within the floodplain, minimization, and compensation of the effects were considered above.)

(3) EO 12898, Environmental Justice. In accordance with Title III of the Civil Right Act of 1964 and Executive Order 12898, it has been determined that the project would not directly or through contractual or other arrangements, use criteria, methods, or practices that discriminate on the basis of race, color, or national origin nor would it have a disproportionate effect on minority or low-income communities.

(4) EO 13112, Invasive Species. There were no invasive species issues involved. (The evaluation above included invasive species concerns in the analysis of impacts at the project site and associated compensatory mitigation projects.) (Through special conditions, the permittee will be required to control the introduction and spread of exotic species.)

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

(5) EO 13212 and 13302, Energy Supply and Availability. The project was not one that will increase the production, transmission, or conservation of energy, or strengthen pipeline safety. (The review was expedited and/or other actions were taken to the extent permitted by law and regulation to accelerate completion of this energy-related (including pipeline safety) project while maintaining safety, public health, and environmental protections.)

(6) EO 12630, Government Actions and Interference With Constitutionally Protected Property Rights. In compliance with the requirements of Executive Order 12630 and the Attorney General's Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings, I, Alan Dodd, Jacksonville District Engineer, have reviewed and considered the Takings Implication Assessment (TIA) prepared for this permit application and have concluded that denial of this permit does not indicate a takings implication.

d. Finding of No Significant Impact (FONSI). Having reviewed the information provided by the Applicant and all interested parties and an assessment of the environmental impacts, I find that denial of the permit applicant will not have a significant impact on the quality of the human environment. Therefore, an Environmental Impact Statement will not be required.

e. (NA) Compliance with 404(b)(1) guidelines. Having completed the evaluation in Section 8, I have determined that the proposed discharge complies/does not comply with the 404(b)(1) guidelines.

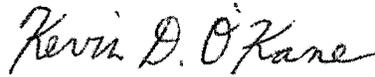
CESAJ-RD-ST (APPLICATION NO.SAJ-2007-05788-IP-MGH)

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

f. Public Interest Determination: I find that issuance of a Department of the Army permit is not/ is contrary to the public interest.

PREPARED BY:

REVIEWED BY:



MELINDA G. HOGAN-CHARLES
Project Manager

KEVIN D. O'KANE
Chief, Tampa Regulatory Section

Date: May 10, 2013

Date: MAY 10, 2013

REVIEWED BY:

APPROVED BY:



DONALD W. KINARD
Chief, Regulatory Division

ALAN M. DODD
Colonel, Corps of Engineers
Commanding

DW
5/10/13
Date: 5/10/13

Date: 10 May 2013

Table 1 Existing Conditions	2
Table 2 Project Changes.....	7
Table 3: 17 January 2008 Public Notice Comments.....	18
Table 4: 12 April 2011 Public Notice Comments	22
Table 5: 04 September 2012 Public Notice Comments	24
Table 6: Site Visit and summary	31
Table 7: Issues/Comments forwarded to the Applicant.....	33
Table 8: Meeting Summary	37
Table 9: Applicant response and summary.....	39
Table 10: Summary of Additional public comments.....	45
Table 11: Public Hearing Requests	55
Table 12: Water Dependency Determination	56
Table 13: Applicant's Proposed Criteria	57
Table 14: Corps Independent Analysis Criteria:.....	59
Table 15: Off-site Alternatives Analysis	59
Table 16: On-Site Alternative Analysis Comparison.....	85
Table 17: Other Alternatives not requiring a permit.....	87
Table 18: Alternatives not practicable or reasonable and more environmentally damaging.	88
Table 19: Summary of Corps Analysis of Applicant's Channel Design:.....	112
Table 20: SunWest Park Mitigation Components.....	135
Table 21: HEA Analysis Summary for the SunWest Park project.....	137

Enclosures

20120307 NMFS analysis out of kind mitigation

20130429 Alternative #5 Authorize County Park/Minimized on-site

SunWest Wetlands Mitigation Components (77.68 total acres per November 7th plan)

Phase I: 39.09 acres wetland restoration:

- 1) **6.19 acres onsite estuarine marsh creation** - This project is designated as one of three mitigation components Florida Department of Environmental Protection required for the filling of 3.85 acres of saltwater marsh and 0.79 freshwater marsh for the landside park construction. As indicated in the teleconference, you believe this marsh creation activity will be used as mitigation to offset USACE mitigation requirements for the 3.85 acres of saltwater marsh impacts. Therefore, we do not believe this project can also be used for other SAV mitigation.
- 2) **32.9 acres hydraulic and habitat improvement (culvert replacement at Strauber Memorial Causeway)** – This is a proposal to hydrologically “enhance” a wetland by replacing one three-foot culvert with three three-foot culverts. This will likely produce a minimal ecological benefit as the site will still be hydrologically restricted and will limit transient fisheries use of the site. The applicant has provided no engineering or biological information as to what benefits the project would actually produce. Consequently, unless the applicant can demonstrate and quantify an increase in ecological functions and services to marine fisheries through the use of a science-based functional assessment, we do not believe this project has potential for out-of-kind replacement of SAV functions and services.

Phase II: 38.59 acres wetland restoration:

- 1) **13.42 acres Brazilian pepper removal/mangrove marsh enhancement Pasco Palms Preserve site** – Based upon our extensive experience and knowledge of Brazilian pepper control efforts in Florida, we believe proposed removal of Brazilian pepper vegetation at the Pasco Palms Preserve site would only provide interim ecological benefits. However, there may be potential for out-of-kind mitigation at this site, if the project is revised to include a long-term enhancement of wetlands. The activities needed would include the grading down of areas currently infested with Brazilian pepper to wetlands elevations and replanting the area following Brazilian pepper removal and grading activities. We would be willing to further investigate this site’s mitigation potential with the applicant and their agent. Mitigation credits for this activity should be formulated by the applicant providing a science-based functional assessment.
- 2) **2.18 acres Brazilian pepper removal/mangrove creation and berm removal** – Similar to the above concerns at the Pasco Palms site, we believe the project as currently proposed may only provide interim ecological benefits. However, we do believe there may be potential for out-of-kind mitigation at this site, if the project is revised to include a long term enhancement of wetlands. We would be willing to further investigate this site’s mitigation potential with the applicant and their agent. Mitigation credits for this activity should be formulated by the applicant providing a science-based functional assessment.

- 3) **6.86 acres subtidal habitat hydraulic and habitat improvement (culvert) - NMFS** believes only minimal ecological benefit and services would be provided to tidal wetlands through the replacement of the culverts. The applicant has provided no engineering or biological information as to what benefits the project would actually produce. Consequently, unless the applicant can demonstrate and quantify an increase in ecological functions and services to marine fisheries through the use of a science-based functional assessment, we do not believe this project has potential for out-of-kind replacement of SAV functions and services.
- 4) **2.17 acres of marsh creation at Werner-Boyce State Park** –We believe this activity may have the potential to provide additional ecological services to NMFS trust resources, but we need more details to determine its potential as a marine fisheries habitat. Mitigation credits for this activity should be formulated by the applicant providing a science-based functional assessment.
- 5) **1.41 exotic species removal at Werner-Boyce State Park** – The language of this proposal is very vague. We request clarification on the site location and what work is to be completed before we can determine if there is mitigation potential at this site. Mitigation credits for this activity should be formulated by the applicant providing a science-based functional assessment.
- 6) **12.5 acres restoration and enhancement of hydrologically isolated mangrove swamp at Werner-Boyce State Park** - NMFS requests clarification on the proposed “restoration and enhancement” activities. As with the other hydrologic enhancement projects, the applicant has provided no engineering or biological information as to what benefits the project would actually produce. Consequently, unless the applicant can demonstrate and quantify an increase in ecological functions and services to marine fisheries through the use of a science-based functional assessment, we do not believe this project has potential for out-of-kind replacement of SAV functions and services.
- 7) **0.05 acre replant barge access corridor with red mangroves at Werner-Boyce State Park** – This project is to repair impacts to red mangroves from the proposed construction activities at the State Park. Therefore, we believe this project should not also be used for other SAV mitigation.

Phase III: undetermined acreage

1. **Construction of two hydrologic connections** - We need clarification on these construction activities and how these are different than the proposed 32.9 and 6.86 acres of hydrologic improvements identified in Phase I and Phase II, respectively. However, we would have the same concerns as we do for the other culvert projects. Consequently, unless the applicant can demonstrate and quantify an increase in ecological functions and services to marine fisheries through the use of a science-based functional assessment, we do not believe this project has potential for out-of-kind replacement of SAV functions and services.

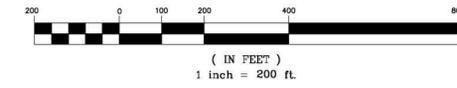
Phase IV: no wetland restoration activities proposed.

Potential for out-of-kind mitigation summary: While the applicant has proposed many wetlands “enhancements”, we believe the only projects to have out-of-kind potential as currently proposed are the 2.17 acres of marsh creation at Werner-Boyce State Park and possibly the 2.18 acres Brazilian pepper removal/mangrove creation and berm removal (total 4.35 acres); however, more specific information is required to properly evaluate them. The applicant is also proposing 19 acres of Brazilian pepper and exotic species removal projects. There is potential that some of these projects could be modified for long term fisheries benefits, but this would require regrading and replanting the sites. We believe the remaining 52.26 acres of hydrologic “improvements” would have little value as mitigation for direct SAV impacts. If no further in-kind SAV projects can be found, NMFS is willing to evaluate any other out-of-kind projects the applicant may propose. However, we continue to recommend the USACE verify potential mitigation credits for these activities by requiring the applicant to provide a science-based functional assessment.



PASCO COUNTY
7220 OSTEEN ROAD
NEW PORT RICHEY, FLORIDA 34653

GRAPHIC SCALE



ISSUED FOR	
DATE	APR 10, 2013
ISSUED BY	
DATE	APR 10, 2013
ISSUED FOR	
DATE	APR 10, 2013
ISSUED BY	
DATE	APR 10, 2013

PROJECT NO. 11-24-16-0000-01000-0030
 PROJECT AREA 137.62 ACRES
 FUTURE PROPOSED SEAWALL WITH RIPRAP AT TOE (NOT INCLUDED IN PARK PROJECT)
 UPLAND RETAINING WALL (ABOVE MHWL) (NOT INCLUDED IN PARK PROJECT)
 PROPOSED BIORETENTION
 EXISTING CANAL EDGE OF WATER
 EXISTING CANAL DISCHARGES TO GULF OF MEXICO
 WETLAND BOUNDARY
 PROPOSED BOAT DOCKS
 RESTROOMS
 EXISTING CANAL EDGE OF WATER
 OLD DIXIE HIGHWAY (S.R. 15)
 ASPHALT & LIMESTONE 25.85' R.O.W.
 RACETRACK ROAD (ASPHALT & LIMESTONE 30' R.O.W.)
 APPX. ARSENIC PLUME LOCATION 10 micro-g/L
 PROPOSED WETLAND IMPACT AREA 0.012 ACRES
 EXISTING WETLAND N1424161 (NWL=4.9, SHW=5.81)
 EXISTING WETLAND N1124165 (NWL=4.9, SHW=5.81)
 PROPOSED WETLAND IMPACT AREA 0.001 AC.
 APPX. ARSENIC PLUME LOCATION 100 micro-g/L
 300' SETBACK FROM 100 micro-g/L ARSENIC PLUME AREA FOR FUTURE CAR PARKING (TO BE SEED & MULCHED)
 PROJECT AREA 137.62 ACRES
 WETLAND BOUNDARY
 WETLAND BUFFER LINE (CATEGORY I)
 SUNWEST PARK PROPERTY LINE
 EXISTING CANAL
 WETLAND BOUNDARY
 PROPOSED WILDLIFE VIEWING PIER (SEE SHEET 616)
 HYDROLOGIC CONNECTION (SEE SHEET C-606 FOR SECTION) BY OTHERS
 PROPOSED KAYAK LAUNCH (SEE SHEET C-609)
 PROPOSED LAKE EDGE OF WATER
 PROPOSED LAKE EDGE OF WATER
 POND B
 POND G
 POND F
 FUTURE COMMERCIAL
 RESTROOMS
 EXISTING CANAL EDGE OF WATER
 WETLAND BOUNDARY
 WETLAND BUFFER LINE (CATEGORY I)
 SUNWEST PARK PROPERTY LINE
 EXISTING MINING LAKE OSW #5
 MITIGATION AREA (SEE DETAIL SHEETS C-603 - C-604) BY OTHERS
 HYDROLOGIC CONNECTION (SEE SHEET C-606 FOR SECTION) BY OTHERS
 WETLAND BOUNDARY
 WETLAND BUFFER LINE (CATEGORY I)
 SUNWEST PARK PROPERTY LINE
 EXISTING MINING LAKE OSW #4
 EXISTING LAKE EDGE OF WATER
 EXISTING LAKE EDGE OF WATER
 EXISTING LAKE EDGE OF WATER
 BEACH IMPACT AREA 0.79 AC.
 PROPOSED BEACH AREA (SEE SHEET C-409)
 WETLAND BOUNDARY
 WETLAND BUFFER LINE (CATEGORY I)
 SUNWEST PARK PROPERTY LINE
 PROPOSED LAKE EDGE OF WATER
 TOE OF SLOPE
 WETLAND BUFFER (15' MIN. 30' AVG.)
 SUNWEST PARK PROPERTY LINE
 PROJECT AREA 137.62 ACRES
 SUNWEST PARK PROPERTY LINE
 COASTAL WETLAND AREA
 SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT 11-24-16-0000-01000-0010 (NOT INCLUDED)
 SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT 10-24-16-0000-01000-0010 (NOT INCLUDED)

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CLIENT: PASCO COUNTY
 7220 OSTEEN ROAD
 NEW PORT RICHEY, FLORIDA 34653
 PROJECT: PASCO COUNTY - SUNWEST PARK
 SHEET TITLE: WETLANDS IMPACT

ATKINS
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 TAMPA, FLORIDA 33607
 FIRM CERTIFICATE OF AUTHORIZATION NO.24
 www.atkins.com
 JOB NO.: 101013
 PROJECT ENG: FMW
 DRAWN: MGP
 CHECKED: KMK
 APPROVED: FMW
 SHEET NO. C-103

- LEGEND**
- PROPERTY BOUNDARY LINE
 - - - PROJECT AREA
 - - - WETLAND BOUNDARY LINE
 - - - 25' WETLAND BUFFER LINE
 - - - FLOATING TURBIDITY BARRIER
 - - - FEMA 100-YR FLOODPLAIN
 - - - PROP. IMPERVIOUS PARKING AREA
 - - - PROP. PERVIOUS PARKING
 - - - WETLAND IMPACT AREA
 - - - PROP. TEMPORARY SOIL
 - - - LITTORAL ZONE
 - - - PROP. BEACH AREA
 - ⊙ DENOTES PROPOSED STORM STRUCTURE
 - SUMP WITH RIP RAP
 - DIRECTION OF DRAINAGE FLOW

