



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

REPLY TO
ATTENTION OF

May 10, 2013

Regulatory Division

Mr. Ted Schrader, Chairman
Pasco County Board of County Commissioners
8731 Citizens Drive
New Port Richey, Florida 34654

Dear Mr. Schrader:

This letter refers to the Department of the Army permit application number SAJ-2007-05788 for authorization to impact waters of the United States in association with the construction of the SunWest County Park and the dredging of an existing and new channel to provide Gulf access for the park visitors. The project is located in the Gulf of Mexico and wetlands adjacent to the Gulf of Mexico, Old Dixie Highway and Racetrack Road, in Sections 10, 11, and 14, Township 24 South, Range 16 East, Hudson, Pasco County, Florida.

Your application has been reviewed in accordance with applicable Federal regulations. The U.S. Army Corps of Engineers evaluation of your permit application has carefully considered all information provided subsequent to the initial submittal of the application. As a result of the review, it has been determined that the proposed project does not comply with the Section 404(b)(1) Guidelines and is contrary to the public interest. Your Department of the Army permit application is hereby denied with prejudice for the reasons explained in the attached Environmental Assessment and Statement of Findings.

You are hereby notified that you and/or your authorized agent(s) may appeal a permit application denied with prejudice through the Corps Administrative Appeal process. The Administrative Appeals Process may be initiated by completing the enclosed Request for Appeal (RFA) form. The RFA should be submitted to Army Engineer Division, South Atlantic Division, 60 Forsyth Street SW., Atlanta, Georgia 30303-8801, and must be received by the Division Engineer within 60 days of the date of this notification of appeal process. The RFA will be reviewed and processed in accordance with the procedures set forth in 33 CFR Part 331. These procedures are summarized in the enclosed Administrative Appeal flow chart.

Sincerely,

A handwritten signature in black ink, appearing to read "Alan M. Dodd", is positioned above the printed name.

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

Enclosures
Administrative Appeal Form
Administrative Appeal Flow Chart
SAJ-2007-05788 Environmental Assessment/Statement of Findings

Copy Furnished:
NMFS, HCD; Mark.Sramek@noaa.gov
NMFS, PRD; Adam.Brame@noaa.gov
USEPA; Miedema.Ron@epamail.epa.gov
USFWS; Peter_Plage@fws.gov
FDEP; Allyson.Minick@dep.state.fl.us
Mr. Robert Carpenter, BC Peabody

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Pasco County Board of County Commissioners		File Number: SAJ-2007-05788	Date: May10, 2013
Attached is:		See Section below	
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
X	PERMIT DENIAL	C	
	APPROVED JURISDICTIONAL DETERMINATION	D	
	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://www.usace.army.mil/CECW/Pages/reg_materials.aspx or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

Project Manager as noted in letter

If you only have questions regarding the appeal process you may also contact:

**Jason Steele
404-562-5137**

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number:

Appendix A to Part 331—Administrative Appeal Process for Permit Denials and Proffered Permits

