DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
701 SAN MARCO BOULEVARD
JACKSONVILLE, FLORIDA 32207-8175

November 26, 2024

Regulatory Division
West Branch
Tampa Permits Section

PUBLIC NOTICE

Permit Application No. SAJ-2024-01308 (SP-VCL)

TO WHOM IT MAY CONCERN: The Jacksonville District of the U.S. Army Corps of Engineers (Corps) has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344) as described below.

If you are interested in receiving additional project drawings associated with this public notice, please send an e-mail to the project manager by electronic mail at Veronica.C.Li@usace.army.mil.

APPLICANT:

Polk County Board of County Commissioners
% Jay Jarvis
3000 Sheffield Road
Winter Haven, Florida 33880
(863) 534-2200

WATERWAY AND LOCATION: The proposed project would affect aquatic resources associated with the Lake Clinch watershed. The Project site is located in Sections 06, Township 32 South, Range 28 East, Polk County, Florida.

Directions to the site are as follows: From US Highway 27 South, turn left exit 170 onto Fort Meade Road, then turn left onto Kings Boulevard. The Project site is located along the west side of Kings Boulevard.

APPROXIMATE CENTRAL COORDINATES: Latitude: 27.7286859°
Longitude: -81.5506146°

PROJECT PURPOSE:

Basic: To construct a stormwater conveyance.
Overall: The overall project purpose is to improve the stormwater/drainage system at Kings Boulevard.

EXISTING CONDITIONS: The Project site totals 3.89 acres and contains approximately 0.37 acre of non-forested wetlands, 0.02 acre forested wetlands, and

0.63 acre of other surface waters (stormwater ditch). The Project's northern, southern, and western boundary abut undeveloped land. Recreational community center and Kings Boulevard abut the Project's eastern boundary.

The Project area primarily consists of a man made ditch, non-forested herbaceous wetland, and some mixed hardwood forested wetland.. The wetlands are contiguous with the mixed wetland hardwoods associated with nearby Lake Cinch which includes, but not is limited to, laurel oak (*Quercus laurifolia*), water oak (*Quercus nigra*), Carolina willow (*Salix caroliniana*), and red maple (*Acer rubrum*).

The Project area has environmental resources and land uses that have been characterized pursuant to the Florida Department of Transportation publication Florida Land Use, Cover and Forms Classification System (FLUCFCS). Overall, the property contains the habitats described below.

FLUCCS 1860 / FNAI 182135 – Community Recreational Facilities
The community center, a single-story building with a basketball court, bleachers, and parking areas, is within the project limits.

FLUCCS 1910 / FNAI 18211 – Undeveloped Land within Urban Areas
This land use is an upland area of well-drained soils containing several large live oaks (*Quercus virginica*) and cabbage palm (*Sable palmetto*) combined as a canopy. Wetlands, Surface Waters, and Other Surface Waters.

FLUCCS 5300 / FNAI 3220 – Reservoirs
This other surface water (OSW) classification best describes the man-made stormwater system that consists of one north-south mainline ditch OSW and three connecting east-west stormwater OSW features that eventually out-fall into Lake Clinch to the north. On this western portion of the project limits, the main man-made ditch is contiguous with a wetland bordering Lake Clinch.

FLUCCS 6170 / FNAI 2233 – Mixed Wetland Hardwoods
This classification best describes two land use areas that are part of the wetland identified within the project limits adjacent to the OSW ditch. Tree species within the mixed hardwood wetland forest include laurel oak (*Quercus laurifolia*), water oak (*Quercus nigra*), Carolina willow (*Salix caroliniana*), and red maple (*Acer rubrum*).

FLUCCS 6410 / FNAI 2120 – Freshwater Marshes
This land use describes a portion of the wetland onsite located on the western portion of the project limits and is contiguous to the OSW drainage feature. To the north, the system leads to Lake Clinch. Herbaceous species identified in the wetland margins include Peruvian primrose willow (*Ludwigia peruviana*), arrow allum (Peltandra virginica), para grass (*Brachiaria mutica*), cattail (Typha sp.), climbing fern (*Lygodium sp*.) and cogon grass (*Imperata cylindrica*).

PROPOSED WORK: The applicant seeks authorization to discharge fill material in approximately 1.02 acres of aquatic resources (0.37 acre of non-forested wetlands, 0.02 acre forested wetlands, and approximately 0.63 acre of surface waters) associated with retrofitting and upgrading the existing drainage ditch by constructing a new system that replaces several ditch segments with stormwater sewer pipe and relocates the eroded system to within the limits of the County's drainage easement. A new replacement mainline ditch will be constructed with 3:1 side slopes; the headwall at each of the smaller ditch fingers will be removed and replaced with an inlet or manhole to reinforce the concrete pipe underground before later out-falling at the mainline ditch. Shallow swales will be graded above each of the constructed pipes to convey the localized drainage adjacent to the ditches.

AVOIDANCE AND MINIMIZATION INFORMATION – The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment:

During early design, onsite jurisdictional systems were delineated by qualified Environmental Scientists from Dewberry and the project design took into consideration the location of the wetland limits for impact avoidance, minimization/elimination, and reduction consideration to an extent that would represent the least environmentally damaging practicable alternative (LEDPA) and still meet the project purpose and need. The wetland onsite contiguous with the mainline north-south OSW existing drainage ditch was identified to be within the County's easement limits; therefore, impacts to the system are required for the reconstruction of the new replacement drainage infrastructure in order for the stormwater system to be within the County easement boundary limits. Proposed work will be constructed from the eastern uplands to avoid additional wetland impacts. Temporary best management practices (BMPs) such as floating turbidity barriers and silt fences will be utilized during the construction phase to prevent turbidity in the downstream waterbody. No outfall control structure is proposed for this project. No negative water quality impacts are expected due to the scope of work including proposed stormwater design improvements. The new mainline ditch side slopes will be reinforced with a turf reinforced mat to prevent erosion. In addition, no additional impervious areas are proposed, and the shallow swales allow stormwater to percolate into the existing water table.

COMPENSATORY MITIGATION –The applicant has proposed a total of 0.32 functional loss units would be provided through the purchase of forested mitigation bank credits from an approved mitigation bank.

CULTURAL RESOURCES: The Corps is evaluating the undertaking for direct and indirect effects to historic properties as required under Section 106 of the National Historic Preservation Act (36 CFR 800) and Corps regulations (33 CFR 325 Appendix C). This public notice serves to inform the public of the proposed undertaking and invites comments from local, state, tribal and federal government agencies. Our final determination relative to historic

properties impacts may be subject to additional coordination with the State Historic Preservation Officer, federally recognized tribes with concerns in Florida and the permit area, and other interested parties.

ENDANGERED AND THREATENED SPECIES: The project is located within the USFWS Consultation Areas (CA) for or within the range of the Florida scrub-jay, Audubon's crested caracara, Florida bonneted bat, Florida grasshopper sparrow, Florida sand skink and bluetail mole skink, Everglade snail kite, Eastern indigo snake, and Lake Wales Ridge Plants. The project is also located within the core foraging area (CFA) of two wood stork colonies.

Eastern indigo snake: No gopher tortoise burrows were observed onsite. Based on the USFWS South Florida Eastern Indigo Snake Consultation Key (August 1, 2017), due to the size of the project and assuming the USFWS's latest Standard Protection Measures for the Eastern Indigo Snake are implemented during construction, the project is anticipated to "not likely to adversely affect" the Eastern indigo snake, with no further consultation required.

Florida bonneted bat: A limited roost survey showed no roosting or cavities within the few trees present onsite. The applicant agreed to implement any necessary best management practices from the USFWS 2019 Consultation Key. Use of that key provided a "may affect, not likely to adversely affect" determination, with no further consultation required.

Wood stork: The site does not provide typical suitable foraging habitat for the wood stork due to slope/steepness, water depth, and/or vegetation density. Therefore, the Corps has determined that the project will no effect on the wood stork.

Skinks and eastern black rail: The project limits are located within both the sand skink and bluetail mole skink critical areas. According to the NRCS soil survey and available topographic data, portions of this northern Poinciana Parkway project segment contain soils classified by USFWS as suitable "skink soils" in the form of Tavares and Smyrna sand and have an elevation above 82ft mean sea level. During the site visit, a pedestrian survey was completed within areas of documented potential habitat within the project limits. No skink tracks were observed during the pedestrian survey. The pedestrian survey was completed throughout the potential criteria areas onsite. There is no typical skink habitat in the project limits that is not continuously disturbed due to human and vehicular traffic and maintenance. The open areas are well-maintained open fields of bahia and other thickly rooted vegetation. The southernmost portion of the project limits is marginal due to open sand present; however, still includes evidence of frequent recreational use and maintenance. Therefore, based on the pedestrian survey findings, it is anticipated the project "may effect, not likely to adversely affect" the species.

The eastern black rail may potentially utilize the subject project limits. Wetlands and other surface waters will be mitigated for, as required. Additionally, an updated protected species survey will be conducted within 90-days of construction to confirm absence of any protected species prior to construction. The Corps has made a determination that the project “may effect, not likely to adversely affect” the eastern black rail.

The Corps will request concurrence with these determinations from the USFWS via a separate letter.

The Corps anticipates the project would have “no effect” on any remaining federally listed species, based on the scope of work and lack of suitable habitat.

NAVIGATION: The proposed activity is not located in the vicinity of a federal navigation channel.

SECTION 408: The applicant will not require permission under Section 14 of the Rivers and Harbors Act (33 USC 408) because the activity, in whole or in part, would not alter, occupy, or use a Corps Civil Works project.

NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The jurisdictional line has not been verified by Corps personnel.

COMMENTS regarding the potential authorization of the work proposed should be submitted in writing to the attention of the District Engineer through the Los Angeles Permits Section, 915 Wilshire Blvd., Suite 1109, Los Angeles, CA 90017-3408; or by electronic mail at Veronica.C.Li@usace.army.mil within 30 days from the date of this notice.

The decision whether to issue or deny this permit application will be based on the information received from this public notice and the evaluation of the probable impact to the associated wetlands. This is based on an analysis of the applicant's avoidance and minimization efforts for the project, as well as the compensatory mitigation proposed.

QUESTIONS concerning this application should be directed to the project manager, Veronica Li, in writing at the Los Angeles Permits Section, 915 Wilshire Blvd., Suite 1109, Los Angeles, CA 90017-3409; or by electronic mail at Veronica.C.Li@usace.army.mil.

IMPACT ON NATURAL RESOURCES: Coordination with U.S. Fish and Wildlife Service, Environmental Protection Agency (EPA), the National Marine Fisheries Services, and other Federal, State, and local agencies, environmental groups, and concerned citizens generally yields pertinent environmental information that is

instrumental in determining the impact the proposed action will have on the natural resources of the area.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food, and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act.

The US Army Corps of Engineers (Corps) is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other Interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this determination, comments are used to assess impacts to endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

WATER QUALITY CERTIFICATION: Water Quality Certification (WQC) is required from the Southwest Florida Water Management District (SWFWMD) The application is being reviewed under SWFWMD Application No.: 871752.

COASTAL ZONE MANAGEMENT CONSISTENCY: In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan.

REQUEST FOR PUBLIC HEARING: Any person may request a public hearing. The request must be submitted in writing to the District Engineer within the designated comment period of the notice and must state the specific reasons for requesting the public hearing.

Path: \\dewberry.dewberryroot.local\Offices\Lakeland\Projects\PC Roads_Drainage\2022-085 GEC\King Blvd\Environmental\GIS\20230131_KingsBlvd_Maps\20230131_KingsBlvd_Maps.aprx

Regional Location Map

King Boulevard Drainage Ditch and Maintenance Improvements

Polk County, FL

Saved: 7/31/2023

N

Data Source: Dewberry
Image Source: Esri

Miles
0 0.25 0.5

POLK COUNTY

Wetlands, Surface Water, and Other Surface Waters Map
King Boulevard Drainage Ditch and Maintenance Improvements

Polk County, FL

Saved: 7/31/2023

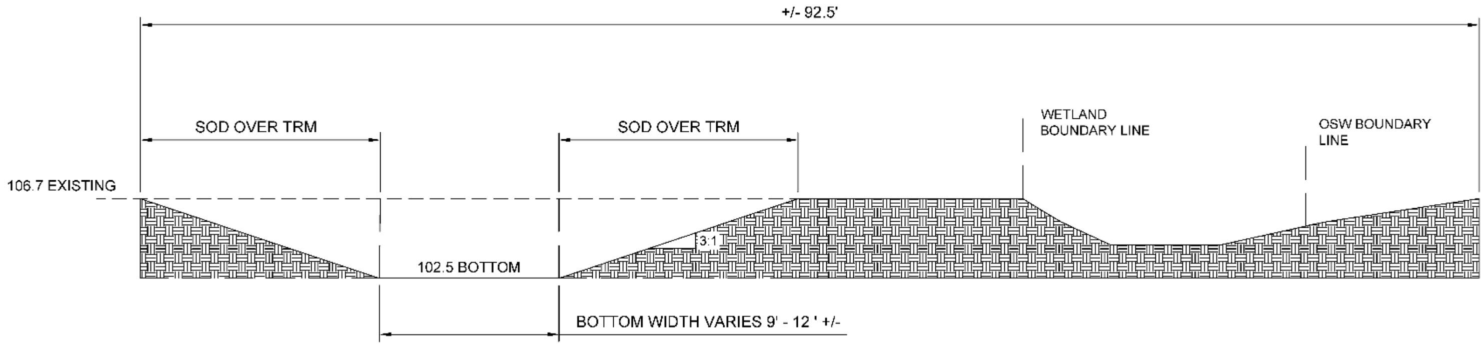
N

Data Source: Dewberry
Image Source: Esri

0 75 150 Feet

POLK COUNTY

TYPICAL DITCH SECTION A-A



NOTES:

1. SOD ALL DISTURBED AREAS ABOVE DITCH BOTTOMS IN MAIN NORTH/SOUTH CHANNEL, AND ALL DISTURBED AREAS IN REMAINING PROJECT AREA.
2. INSTALL TURF REINFORCEMENT MAT (TRM) ON ALL SIDE SLOPES STEEPER THAN 4:1. TRM TO BE NORTH AMERICAN GREEN VMAX C350 OR ENGINEER APPROVED EQUIVALENT.

DITCH SECTION DETAILS

N.T.S.

Dewberry

Dewberry Engineers Inc.
1478 Town Center Dr
Suite B214
Lakeland, FL 33803

POLK COUNTY

POLK COUNTY
ROADS AND DRAINAGE
KINGS BOULEVARD
DRAINAGE IMPROVEMENTS

FROSTPROOF
FLORIDA

SEAL

PRELIMINARY DOCUMENTS
NOT FOR CONSTRUCTION

SCALE

REVISIONS

NO	DESCRIPTION	DATE

DRAWN BY: E.N.
APPROVED BY: J.P.
CHECKED BY: J.P.
DATE: SEPTEMBER 2023

TITLE

DITCH SECTION
DETAIL

PROJECT NO. 50159787

C-08

SHEET NO. 12 OF 12