



**US Army Corps  
of Engineers®**

# PUBLIC NOTICE

Applicant:  
Florida Department of  
Transportation (FDOT) District 5  
c/o Casey Lyon

Published: April 11, 2025  
Expires: May 12, 2025

**Jacksonville District  
Permit Application No. SAJ-2024-02235(SP-HMM)**

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). The purpose of this public notice is to solicit comments from the public regarding the work 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 [Heather.M.Mason@usace.army.mil](mailto:Heather.M.Mason@usace.army.mil).

**APPLICANT:** Florida Department of Transportation (FDOT) District 5  
c/o Casey Lyon  
719 South Woodland Boulevard  
Deland, Florida 32720

**WATERWAY AND LOCATION:** The project would affect aquatic resources associated with Shady Brook. The project site is located along State Road (SR) 35/United States (US) Highway 301 and south of the City of Coleman from County Road (CR) 470 to Florida's Turnpike; at latitude 28.79479° and longitude -82.05628°; in Coleman, Sumter County, Florida.

**EXISTING CONDITIONS:** Within the project limits, US 301 begins as a two-lane undivided roadway at CR 470 East with turn lanes at some intersections; it makes a sharp 90° turn through the city of Coleman (Warm Springs Avenue/Commercial Street) and then curves to the north at CR 468. It then continues north as an undivided roadway until it reaches the Florida's Turnpike interchange where a median is added. North of the interchange the roadway is a four-lane divided, rural typical section facility. It has a short urban curb and gutter section approaching SR 44.

Land uses in the vicinity of the project include the city of Coleman to the north of the project and agricultural lands to the south. Land uses in the vicinity were categorized using the Florida Land Use, Cover, and Forms Classification System (FLUCCS). Land uses include: 1100 – residential low density, 1400 – commercial and services, 1500 – industrial, 1800 – recreational, 1820 – golf courses, 2100 – cropland and pastureland, 2300 – feeding operations, 2500 – specialty farms, 3100 – herbaceous, 3200 – shrub and brushland, 4340 – upland hardwood-coniferous mix, 5300 – reservoirs, 6150 –

stream and lake swamps (bottomland), 6170 – mixed wetland hardwoods, 6310 – wetland scrub, 6300 – wetland forested mixed, 6410 – freshwater marshes, 6430 – wet prairies, 6440 – emergent aquatic vegetation, 7400 – disturbed, 8100 – transportation, 8300 – utilities.

## **PROJECT PURPOSE:**

**Basic:** Roadway improvements.

**Overall:** To increase the traffic capacity of SR 35/US 301, improve safety, improve the hurricane evacuation route, provide a safe alternative freight route to Interstate (I)-75, and provide multi-modal facilities for pedestrians and bicyclists along the roadway corridor in Sumter County, Florida.

**PROPOSED WORK:** The applicant requests authorization to widen SR 35/US 301 from CR 470 to Florida's Turnpike. The proposed improvements consist of widening US 301 from the existing two-lane, undivided rural facility to a four-lane, divided urban facility with pedestrian and bicycle accommodations. The proposed project also includes intersection improvements for traffic and safety, a new alignment portion of US 301 to bypass the city of Coleman, median modifications, a new bridge over Shady Brook, stormwater ponds, and floodplain compensation sites. The proposed project would directly impact 7.7 acres of wetlands and 1.98 acres of non-wetland waters and have secondary impacts to 3.58 acres of wetlands.

**AVOIDANCE AND MINIMIZATION:** The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: The applicant designed the proposed project to minimize impacts to wetlands and surface waters to the greatest extent practicable while keeping in mind the existing alignment, location constraints, agency regulations, and project objectives. Pond sites that avoid or minimize direct impacts to wetlands and other surface waters were selected when practicable. Other minimization measures include implementing Best Management Practices (BMPs) during construction to minimize water quality impacts, such as erosion and turbidity within wetlands and surface waters adjacent to proposed construction activities.

**COMPENSATORY MITIGATION:** The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: The applicant has proposed to purchase 2.77 federal freshwater herbaceous credits and 2.86 federal freshwater forested credits from the Boarshead Ranch Mitigation Bank, Hilochee Mitigation Bank, and Lake Louisa Mitigation Banks. Wetland functional loss was calculated using the Uniform Mitigation Assessment Method (UMAM) and Wetland Rapid Assessment Procedure (WRAP).

## **CULTURAL RESOURCES:**

FDOT has assumed Federal Highway Administration (FHWA) responsibilities under the National Environmental Policy Act (NEPA) and is lead federal agency for review under

Section 106 of the National Historic Preservation Act (NHPA) because the project is federally funded. Historic properties (i.e., properties listed in or eligible for inclusion in the National Register of Historic Places (NRHP)), are present within the Corps' permit area. FDOT coordinated with the State Historic Preservation Office (SHPO) and Tribal Historic Preservation Officers (THPOs) for the project. As a result of this review, FDOT entered into a Memorandum of Agreement (MOA) with SHPO for resolution of adverse effects that would occur as a result of the project. On August 7, 2024, SHPO provided a letter of concurrence for the project stating that the project would have a conditional no adverse effect, provided the MOA is followed.

**ENDANGERED SPECIES:** FDOT is lead federal agency for review under Section 7 of the Endangered Species Act (ESA). FDOT performed a literature review and obtained a species list from the United States Fish and Wildlife Service (USFWS) through the Efficient Transportation Decision Making (ETDM) website. The following species may occur in the vicinity of the project area: Florida scrub-jay (*Aphelocoma coerulescens*), eastern indigo snake (*Drymarchon couperi*), red-cockaded woodpecker (*Leuconotopicus borealis*), wood stork (*Mycteria americana*), and Everglade snail kite (*Rostrhamus sociabilis plumbeus*). FDOT made the following effect determinations for these species:

Florida scrub-jay (*Aphelocoma coerulescens*): The Florida scrub-jay is listed by the USFWS as threatened. This small, blue and gray bird is very gregarious in nature. They can be found in low-growing, oak scrub habitat with well drained soils as well as fallow orange groves. They are year-round residents in Florida but are most likely to be spotted between March and October. No suitable habitat occurs within the project area and no individuals were noted during field surveys; therefore, FDOT determined that this project would have no effect on the Florida scrub-jay.

Eastern indigo snake (*Drymarchon couperi*): FDOT used the *Eastern Indigo Snake Effect Determination Key* (2010) to make the determination that the project may affect but is not likely to adversely affect the eastern indigo snake (key sequence: A > B > C > D > E > NLAA).

Red-cockaded woodpecker (*Leuconotopicus borealis*): The red-cockaded woodpecker is a small woodpecker distinguished by its barred, black and white back and wings and large white cheek patches. This species is known to occur in open, mature pine woodlands throughout the state. Populations are restricted to areas of old growth pine forest. The red-cockaded woodpecker is listed by the USFWS as endangered. No documented occurrence of red-cockaded woodpeckers and no habitat for this species occur within the project corridor. Therefore, FDOT determined that the project would have no effect on the red-cockaded woodpecker.

Wood stork (*Mycteria americana*): FDOT used the *Effect Determination Key for the Wood Stork in Central and North Peninsular Florida* (2008) to make the determination that the project may affect but is not likely to adversely affect the wood stork (key sequence: A > B > C > NLAA).

Everglade snail kite (*Rostrhamus sociabilis plumbeus*): The Everglade snail kite is listed as endangered by the USFWS. It is a medium-sized raptor distinguished by its slender, downward curved bill that is adapted to extract its prey. The Everglade snail kite feeds almost exclusively on apple snails (*Pomacea paludosa*). Although the project area falls within the USFWS Consultation Area for this species, no evidence of activity from this species was observed within or adjacent to the project area during FDOT site assessments. No apple snails or apple snail egg masses were observed within the project area. Therefore, the project area lacks the habitat necessary to support the Everglade snail kite, and FDOT determined that the project would have no effect on the Everglade snail kite.

Pursuant to Section 7 ESA, any required consultation with the Service(s) will be conducted in accordance with 50 CFR part 402. Because FDOT is the lead federal agency for the project, any required consultation will be conducted by FDOT.

This notice serves as request to the U.S. Fish and Wildlife Service for any additional information on whether any listed or proposed to be listed endangered or threatened species or critical habitat may be present in the area which would be affected by the proposed activity.

**ESSENTIAL FISH HABITAT:** Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act 1996, FDOT, as lead federal agency, reviewed the project area. FDOT determined the proposal would have no effect on any Essential Fish Habitat (EFH) because the project is in an inland, freshwater area, and there is no EFH within the project area. Therefore, no consultation with the National Marine Fisheries Service on EFH as required by the Magnuson-Stevens Fishery Conservation and Management Act 1996 is required.

**NAVIGATION:** The proposed structure or 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 of 1899 (33 USC 408) because the activity, in whole or in part, would not alter, occupy, or use a Corps Civil Works project.

**WATER QUALITY CERTIFICATION:** Water Quality Certification (WQC) is required from the Southwest Florida Water Management District (SWFWMD). The project is being reviewed under SWFWMD application no. 896738.

**COASTAL ZONE MANAGEMENT CONSISTENCY:** Coastal Zone Consistency Concurrence is required from SWFWMD. In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan.

**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 geographic extent of aquatic resources within the proposed project area that either are, or are presumed to be, within the Corps jurisdiction has not been verified by Corps personnel.

**EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food, and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act or the criteria established under authority of Section 102(a) of the Marine Protection Research and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

**COMMENTS:** The 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 used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The Jacksonville District will receive written comments on the proposed work, as outlined above, until May 12, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Heather Mason at [Heather.M.Mason@usace.army.mil](mailto:Heather.M.Mason@usace.army.mil). Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Jacksonville District, Attention: Heather Mason, 415 Richard Jackson Boulevard, Suite 411, Panama City Beach, Florida 32407. Please refer to the permit application number in your comments.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a

public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.



