



FLORIDA DEPARTMENT OF Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, FL 32399

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Interim Secretary

July 20, 2021

STATE 404 PROGRAM PUBLIC NOTICE

Permit Application No. 0402573-002-SFI

TO WHOM IT MAY CONCERN: The Department of Environmental Protection has received an application for a State 404 Program permit pursuant to 62-331, Florida Administrative Code, as described below:

APPLICANT: South Florida Water Management District
Nirmala Jeyakumar
3301 Gun Club Road, West Palm Beach, FL 33415
(561) 682-6471

LOCATION: The project is located in the Everglades Agricultural Area off of US-27, approximately 9.75 miles south of CR-827 within Sections 15-17 and 22-24, Township 46 South, Range 36 East and Section 6 and Hiatus Lots 5 and 6, Township 46 South, Range 37 East. The project is in unincorporated Palm Beach County.

APPROXIMATE CENTRAL COORDINATES: Latitude 26° 28' 46.6" Longitude -80° 46' 01.7"

LINK TO ATTACHMENTS: https://ftpportal.dep.state.fl.us/public/folder/2_-k4tYOTUGyFGq_84Cnnw/A2STA404PublicNotice (Password: A2STA!)

PROJECT PURPOSE: The proposed activities are part of the larger Central Everglades Planning Project (CEPP), Everglades Agricultural Area – A-2 Stormwater Treatment Area Phase. CEPP includes a suite of storage, treatment, conveyance, and seepage management measures that will further improve the quantity, quality, timing, and distribution of water flows from Lake Okeechobee to the St. Lucie and Caloosahatchee Rivers, Water Conservation Area 3 (WCA-3), Everglades National Park, and Florida Bay, while maintaining flood control and water supply for existing legal users.

The CEPP Everglades Agricultural Area (CEPP EAA) phase consists of constructing features that will enable additional water from Lake Okeechobee to be stored and treated in facilities within the EAA, including the A-2 STA and the A-2 Reservoir for delivery to features in the CEPP North and CEPP South phases. The A-2 STA will reduce the number, return frequency, and severity of undesirable, damaging, high-volume discharges from Lake Okeechobee.

The project purpose is to construct an 8-mile Florida Power and Light (FPL) access road/utility corridor with underground conduits along the northern property line of the A-2 Stormwater Treatment Area (STA) and to extend the STA's inflow/outflow and seepage canals by 500 feet. The utility corridor will provide access for installation and maintenance of the primary electrical services to the A-2 STA and Reservoir facilities. The Inflow/Outflow Canal (C-623) is the western inflow/outflow canal for the A-2 STA and the future Everglades Agricultural Area (EAA) A-2 Reservoir with a conveyance capacity of 3,000 cfs inflow from the Miami Canal. The Seepage Canal (C-642) will intercept approximately 150 cfs of seepage from the A-2 STA and future EAA A-2 Reservoir.

PROPOSED WORK: The applicant seeks authorization to construct the access road/utility corridor and extend the inflow/outflow and seepage canals. The construction activities will result in a total of 6.880 acres of fill in a canal, 5.411 acres of fill in a Basin Marsh, 8.116 acres of temporary disturbance to a Basin Marsh due to construction activities (area will be

restored before completion), and dredging of 0.048 acres of a canal. Only dredged material that is suitable will be used in the construction of the project components. All fill material shall be of satisfactory material that is clean and compactible. The corridor commences at the northeast corner of the STA and continues to the north of the existing construction village area. An additional 500 feet of seepage canal will be constructed at the east end to provide a buffer between the STA Seepage Canal and the A-2 Reservoir Seepage Canal.

The proposed work will not take more than 5 years to complete.

EXISTING CONDITIONS: A Uniform Mitigation Assessment Method (UMAM) conducted on January 8, 2021 assessed the existing conditions of the project area. The 41.30 acres assessed are all classified as Basin Marsh. The site has been intensively managed with evidence of having been scraped down to the bedrock in the recent past. The area was previously used for agriculture and/or as ranch land for grazing cattle. The site is currently vegetated with obligate and facultative wetland species such as *Bacopa monnieri* (Smooth water hyssop), *Rhynchospora colorata* (Starrush whitetop), *Typha spp* (Cattail), and *Andropogon glomeratus* (Beardgrass). This area provides high quality wading bird habitat. 0.22 acres contain a *Typha spp.* littoral shelf.

AVOIDANCE AND MINIMIZATION INFORMATION: Based on information provided by the applicant it is believed that the proposed plan is the least environmentally damaging practicable alternative. The FPL corridor must be adjacent to the inflow/outflow canal in order to minimize impacts to wetlands. Best management practices will be used to eliminate and minimize impacts to wetlands and other surface waters. The creation of the A-2 STA will offset the unavoidable impacts resulting from the project.

COMPENSATORY MITIGATION: The 20.455 acres of impacts proposed to the Basin Marsh community will be fully offset by the creation of the A-2 STA. The A-2 STA will convert agricultural lands into an open-water wetland habitat of 6,500+/- acres. A-2 STA will be most similar to Prairie Lake or Marsh Lake native communities. All unavoidable impacts to wetlands will be offset by an improvement of water quality and restoration of the native vegetation community within A-2 STA.

CULTURAL RESOURCES: By copy of this public notice, DEP is providing information for review. On May 21, 2021, DEP initiated coordination with the State Historic Preservation Office (SHPO), the Tribal Historic Preservation Officer (THPO), and those federally recognized tribes with concerns in Florida and the Permit Area, by separate letter.

The Department has requested review from the State Historic Preservation Officer (SHPO) and those federally recognized Tribes with concerns in Florida and the permit area.

On June 16, 2021, SHPO reviewed the project site and determined that cultural resources are present in the area. SHPO recommends the following specific conditions:

1. All ground disturbing project activities, including staging, shall avoid the culturally sensitive areas. If avoidance is not possible, further consultation with SHPO will be necessary.
2. If prehistoric or historic artifacts, such as pottery or ceramics, projectile points, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities involving subsurface disturbance in the vicinity of the discovery. The applicant shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section at (850)-245-6333. Project activities shall not resume without verbal and/or written authorization. In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately, and the proper authorities notified in accordance with Section 872.05, F. S.

On June 17, 2021, the Seminole Tribe of Florida (STOF) reviewed the project and determined the proposed undertaking does fall within the STOF Area of Interest. The STOF completed their assessment pursuant to Section 106 of the National Historic

Preservation Act (16 USC 470) as amended and its implementing regulations (36 CFR 800). The STOF has no objections or other comments at this time, provided culturally sensitive areas are not impacted by ground disturbing activities.

FEDERALLY AND STATE-LISTED SPECIES: The Department requested review from the Florida Fish and Wildlife Conservation Commission (FWC) and the US Fish and Wildlife Service (USFWS) on May 21, 2021, and comments have been received.

On June 24, 2021, FWC reviewed the project and requested additional information be provided in order to determine application completeness. The FWC is supportive of the restoration benefits that this project will provide. FWC staff consulted extensively with the SFWMD about impacts to fish and wildlife resources during past projects. FWC staff request the opportunity to review the proposed plans for phases of the EAA STA-2 project as they are refined so that we may be involved in conservation measures for listed species and technical assistance regarding habitat for fish and wildlife species. The following suggestions are intended to minimize the probability of attracting state-listed species to the project site and to prepare project teams to work cooperatively if state-listed species issues are encountered later in the process.

On July 16, 2021, FWC reviewed the additional information and determined the following:

The project is located within the U.S. Fish and Wildlife Service's (USFWS) Consultation Areas for Audubon's crested caracara (*Polyborus plancus audubonii*, Federally Threatened [FT]), Everglade snail kite (*Rostrhamus sociabilis plumbeus*, Federally Endangered [FE]), Florida bonneted bat (*Eumops floridanus*, FE), Florida panther (*Puma concolor coryi*, FE), and Core Foraging Area for wood stork (*Mycteria americana*, FT). The site may also provide potential habitat for the eastern indigo snake (*Drymarchon corais couperi*, FT), gopher tortoise (*Gopherus polyphemus*, State Threatened [ST]), Florida sandhill crane (*Antigone canadensis pratensis*, ST), little blue heron (*Egretta caerulea*, ST), and roseate spoonbill (*Platalea ajaja*, ST), tricolored heron (*Egretta tricolor*, ST).

The USFWS issued a Biological Opinion (BO) (Consultation #04EF2000-2018-F-0867) on March 12, 2020, regarding the construction and operation of the Everglades Agricultural Area (EAA) Southern Reservoir and Stormwater Treatment Area (STA) Project being undertaken by the applicant and the U.S. Army Corps of Engineers. This proposed project—construction of an 8-mile FPL access road with underground conduits along the northern property line and extension of the inflow/outflow and seepage canal by 500 feet resulting in 6,880 acres of fill in a canal, 5,411 acres of fill in wetlands, 0.048 acres of canal dredging, and 8.116 acres of temporary impacts—is located within the boundaries of the site evaluated in the BO and is therefore subject to the reasonable and prudent measures, terms and conditions, and monitoring and reporting requirements contained therein.

The BO considers the effects of the proposed project on the eastern indigo snake and Florida panther, and includes measures and conditions necessary to minimize impacts. The BO also states that the USFWS concurs with determinations previously made by the U.S. Army Corps of Engineers that the proposed project **may affect but is not likely to adversely affect** Audubon's crested caracara, Everglade snail kite, and wood stork. FWC staff have determined that the proposed project **may affect but is not likely to adversely affect** the Florida bonneted bat.

Florida Bonneted Bat: The Florida bonneted bat (FBB) roosts in a variety of habitats including tropical hardwoods, pinelands, mangroves, and manmade habitats that include tall, mature trees or other areas in which suitable structural features for breeding and sheltering are present. Foraging habitat is comprised of relatively open areas including open fresh water, permanent or seasonal freshwater wetlands, within and above wetland and upland forests, agricultural lands, and urban and residential areas such as golf courses and parks. The potential impacts to the FBB were evaluated using the USFWS *Florida Bonneted Bat Consultation Guidelines, October 2019*. Use of the FBB Consultation Key resulted in the following sequential determination: 1a > 2b > 13a > 14b, "may affect but not likely to adversely affect" with implementation of best management practices provided in the Guidelines.

Gopher Tortoise: The applicant has committed to conducting surveys for gopher tortoises within 100 % of suitable habitat within 90 days prior to commencement of project activities. FWC's Gopher Tortoise Permitting Guidelines (Revised July 2020) (<http://www.myfwc.com/license/wildlife/gopher-tortoise-permits/>) can be referenced for survey methodology, measures for avoiding impacts, as well as options and state requirements for minimizing, mitigating, and permitting potential impacts of the

Permittee: South Florida Water Management District
Project: Central Everglades Planning Project
Phase: Everglades Agricultural Area – A-2 Stormwater Treatment Area
File No.: 0402573-002-SFI
Page 4 of 4

proposed activities. FWC staff will work with the applicant to establish appropriate avoidance measures prior to issuance of the state 404 permit that will be included as permit conditions.

Florida Sandhill Crane: The freshwater herbaceous wetlands within and adjacent to the project site may provide suitable habitat for the Florida sandhill crane. The *Species Conservation Measures and Permitting Guidelines for Florida Sandhill Crane* (FWC April 2016) found at <https://myfwc.com/wildlifehabitats/wildlife/species-guidelines/> can be referenced for biological information, survey methodology, measures for avoiding impacts, and recommended conservation practices. If nesting is identified on the project site, avoidance measures include maintaining a 400-foot (122-meter) buffer around the nesting area. FWC staff will work with the applicant to establish appropriate avoidance measures prior to issuance of the state 404 permit that will be included as permit conditions.

Wading Birds: The freshwater marshes onsite may provide potential habitat for wading birds including the little blue heron, roseate spoonbill, and tricolored heron. The *Species Conservation Measures and Permitting Guidelines for Little Blue Heron, Reddish Egret, Roseate Spoonbill, Tricolored Heron* (FWC December 2018) found at <https://myfwc.com/wildlifehabitats/wildlife/species-guidelines/> can be referenced for biological information, survey methodology, measures for avoiding impacts, and recommended conservation practices. If nesting is discovered after site activities have begun, the applicant will need contact the FWC to discuss potential avoidance measures, which include maintaining a 330-foot (100-meter) buffer around the nesting area, or other alternatives. FWC staff will work with the applicant to establish appropriate avoidance measures prior to issuance of the state 404 permit that will be included as permit conditions.

OTHER INFORMATION: The larger CEPP EAA A-2 Reservoir and Stormwater Treatment Area project has been approved under SAJ-2018-03427.

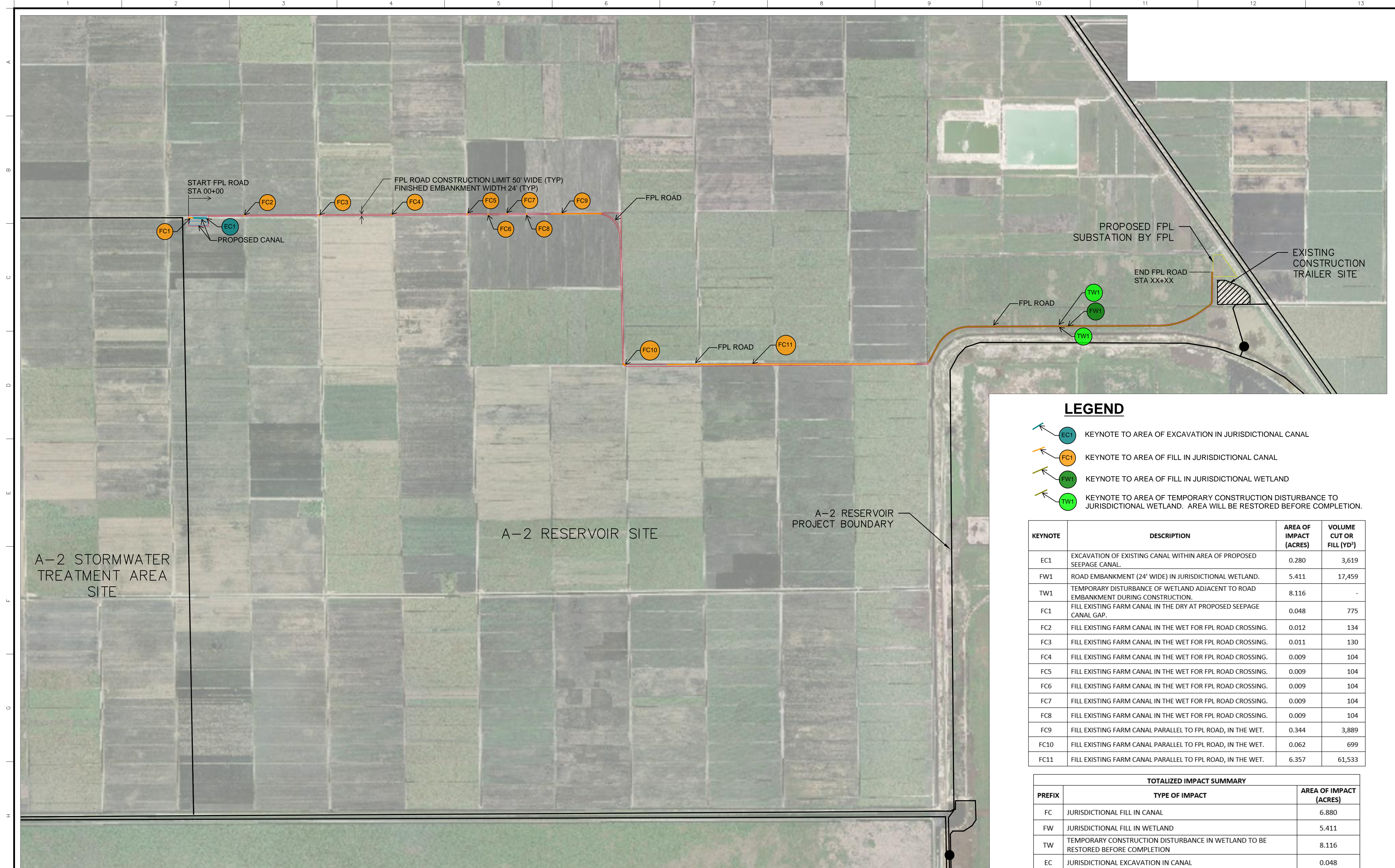
COMMENTS regarding the potential authorization of the work proposed should be submitted in writing to the Department's Office of Water Policy and Ecosystems Restoration at 3900 Commonwealth Blvd., Tallahassee, FL 32399, or by electronic mail at Kristyn.McClure@FloridaDEP.gov, within 30 days from the date of this notice. Written comments will be made part of the record and should reference the above permit application number. Objections must be factual, specific, and fully describe the reasons upon which any objection is founded. Any comments received will be considered by the Department to determine whether to issue, modify, condition, or deny a permit for this proposal. Unless a written request is filed with the Department within the 30-day public comment period, the Department may decide on the application without a public meeting.

EVALUATION: The determination as to whether a permit will be issued, or a public meeting held, will be based on an evaluation of all relevant factors, including the public comments received and the effect of the proposed work on the public interest, including, but not limited to, fish, wildlife, historical resources, and pollution. The specific permit decision criteria can be found in Chapter 62-331, Florida Administrative Code.

The Department 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. To make this consideration, comments are used to assess impacts to endangered species, historic properties, water quality, general environmental effects, and other public interest factors. Comments are also used to determine the need for a public meeting and to determine the overall public interest of the proposed activity.

FOR FURTHER INFORMATION regarding this application, contact the project manager, Kristyn McClure, in writing at 3900 Commonwealth Blvd., Tallahassee, FL 32399; by electronic mail at Kristyn.McClure@FloridaDEP.gov; or by telephone at (850) 245-2974. Please include the permit application number referenced at the top of this page in any correspondence.

REQUEST FOR PUBLIC MEETING: Any person may request a public meeting. The request must be submitted to Kristyn McClure within the designated comment period of the notice and must state the specific reasons for requesting the public meeting.



LEGEND

- EC1 KEYNOTE TO AREA OF EXCAVATION IN JURISDICTIONAL CANAL
- FC1 KEYNOTE TO AREA OF FILL IN JURISDICTIONAL CANAL
- FW1 KEYNOTE TO AREA OF FILL IN JURISDICTIONAL WETLAND
- TW1 KEYNOTE TO AREA OF TEMPORARY CONSTRUCTION DISTURBANCE TO JURISDICTIONAL WETLAND. AREA WILL BE RESTORED BEFORE COMPLETION.

KEYNOTE	DESCRIPTION	AREA OF IMPACT (ACRES)	VOLUME CUT OR FILL (YD ³)
EC1	EXCAVATION OF EXISTING CANAL WITHIN AREA OF PROPOSED SEEPAGE CANAL.	0.280	3,619
FW1	ROAD EMBANKMENT (24' WIDE) IN JURISDICTIONAL WETLAND.	5.411	17,459
TW1	TEMPORARY DISTURBANCE OF WETLAND ADJACENT TO ROAD EMBANKMENT DURING CONSTRUCTION.	8.116	-
FC1	FILL EXISTING FARM CANAL IN THE DRY AT PROPOSED SEEPAGE CANAL GAP.	0.048	775
FC2	FILL EXISTING FARM CANAL IN THE WET FOR FPL ROAD CROSSING.	0.012	134
FC3	FILL EXISTING FARM CANAL IN THE WET FOR FPL ROAD CROSSING.	0.011	130
FC4	FILL EXISTING FARM CANAL IN THE WET FOR FPL ROAD CROSSING.	0.009	104
FC5	FILL EXISTING FARM CANAL IN THE WET FOR FPL ROAD CROSSING.	0.009	104
FC6	FILL EXISTING FARM CANAL IN THE WET FOR FPL ROAD CROSSING.	0.009	104
FC7	FILL EXISTING FARM CANAL IN THE WET FOR FPL ROAD CROSSING.	0.009	104
FC8	FILL EXISTING FARM CANAL IN THE WET FOR FPL ROAD CROSSING.	0.009	104
FC9	FILL EXISTING FARM CANAL PARALLEL TO FPL ROAD, IN THE WET.	0.344	3,889
FC10	FILL EXISTING FARM CANAL PARALLEL TO FPL ROAD, IN THE WET.	0.062	699
FC11	FILL EXISTING FARM CANAL PARALLEL TO FPL ROAD, IN THE WET.	6.357	61,533

TOTALIZED IMPACT SUMMARY		
PREFIX	TYPE OF IMPACT	AREA OF IMPACT (ACRES)
FC	JURISDICTIONAL FILL IN CANAL	6.880
FW	JURISDICTIONAL FILL IN WETLAND	5.411
TW	TEMPORARY CONSTRUCTION DISTURBANCE IN WETLAND TO BE RESTORED BEFORE COMPLETION	8.116
EC	JURISDICTIONAL EXCAVATION IN CANAL	0.048



0 1,500' 3,000'
SCALE: 1" = 1,500'



ENGINEER OF RECORD:
FLORIDA P.E. LICENSE NO.:

Always call 811 two full business days before you dig to have underground utilities located and marked.
Sunshine811.com

NOTE:
THE ELEVATIONS SHOWN HEREON ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88). BENCH MARK 1990, NGS PID #AD8153. NAVD88 = NGVD29 - 1.43' FOR THIS LOCATION.

The consultant, contractor or other parties associated with this project shall comply with Florida Statutes Chapter 119. These plans are the property of the District and must be secured and maintained in a confidential manner. Review by any unauthorized individual or outside/third party not performing work necessary for this project is prohibited.

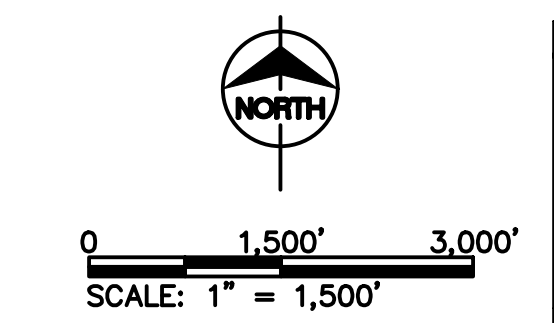
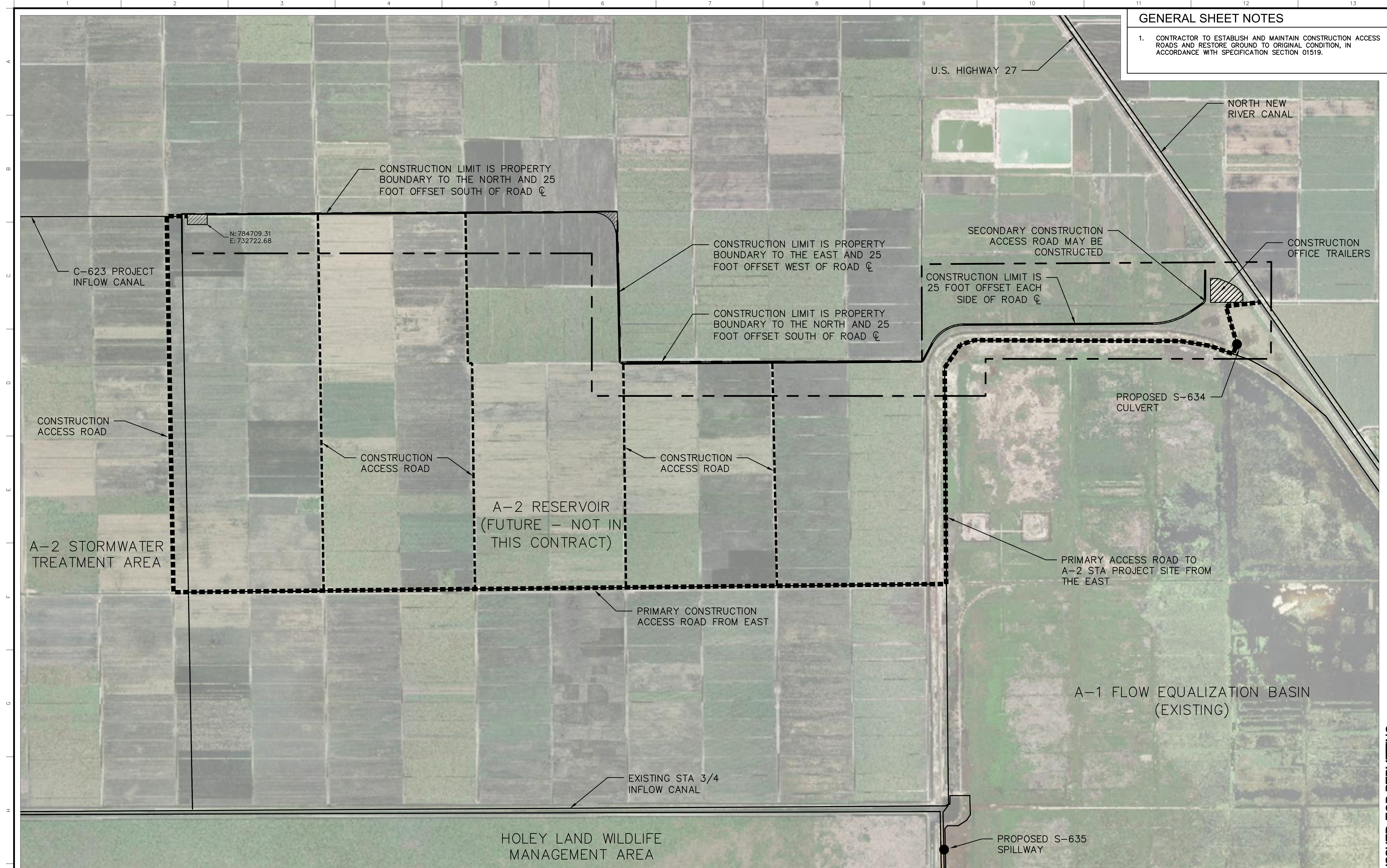
SOUTH FLORIDA WATER MANAGEMENT DISTRICT
 OPERATIONS, MAINTENANCE & CONSTRUCTION
 ENGINEERING & CONSTRUCTION BUREAU
 PHONE: 561-686-8800
 3301 GUN CLUB ROAD
 WEST PALM BEACH, FLORIDA 33406

ENGINEER:	DATE:	SCALE:
DRAWN:	DATE:	SCALE:
CHECKED:	DATE:	SCALE:
DATE:	DATE:	SCALE:
SCALE:	DATE:	SCALE:
SCALE:	DATE:	SCALE:

CEPP NEW WATERS EAA
 A-2 STA INFLOW / OUTFLOW CANAL
 FPL POWER DISTRIBUTION AND CANAL EXTENSION
 JURISDICTIONAL EXCAVATION AND FILL MAP
 PROJECT ID NO.
 DRAWING NUMBER
FIGURE 1
 SHEET

GENERAL SHEET NOTES

1. CONTRACTOR TO ESTABLISH AND MAINTAIN CONSTRUCTION ACCESS ROADS AND RESTORE GROUND TO ORIGINAL CONDITION, IN ACCORDANCE WITH SPECIFICATION SECTION 01519.



ENGINEER OF RECORD:
FLORIDA P.E. LICENSE NO.:

DATE:

Always call 811 two full business days before you dig to have underground utilities located and marked.

Sunshine811.com

NOTE:
THE ELEVATIONS SHOWN HEREON ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88). BENCH MARK 1990, NGS PID #AD8153. NAVD88 = NGVD29 - 1.43' FOR THIS LOCATION.

The consultant, contractor or other parties associated with this project shall comply with Florida Statutes Chapter 119. These plans are the property of the District and must be secured and maintained in a confidential manner. Review by any unauthorized individual or outside/third party not performing work necessary for this project is prohibited.

ISSUED FOR PERMITTING

**CEPP NEW WATERS EAA
A-2 STA INFLOW / OUTFLOW CANAL
FPL POWER DISTRIBUTION AND CANAL EXTENSION
OVERALL SITE PLAN**

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
OPERATIONS, MAINTENANCE & CONSTRUCTION
ENGINEERING & CONSTRUCTION BUREAU
PHONE: 561-686-8800
3301 GUN CLUB ROAD
WEST PALM BEACH, FLORIDA 33406

ENGINEER:
DRAWN:
CHECKED:
DATE:
SCALE:

PROJECT ID NO.
DRAWING NUMBER
G-00-004
SHEET
3 OF 21

C:\new\0695219\153770-SFMID-FPL-Tbk-Rch.dwg - Thursday, March 04, 2021 8:54:38 AM