

APPENDIX B

NEPA Comments and Responses

Operations and Maintenance Dredging and Dredged Material Placement at
Horseshoe Cove Federal Navigation Channel in
Dixie County, Florida



US Army Corps of Engineers
JACKSONVILLE DISTRICT

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Table 1 Summary of USACE responses to comments received during the agency and public review and comment period of the supplemental Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) for the operations and maintenance dredging and dredged material placement at Horseshoe Cove Federal Navigation Channel in Dixie County, Florida

#	Commenter	Comment	Response
1	Environmental Protection Agency (EPA) – Region 4	The EPA recommends the USACE clarify the status of the CZMA consistency determination with the State of Florida. Additionally, we recommend that the Final EA include any correspondences (letters, emails or conversations) that documents that the Wetland Resources Management Permit exemption also includes exemptions from the CZMA consistency determination. The EPA also recommends the USACE discuss the status of the Wetland Resource Management Permit exemptions.	Thank you for your comment. Additional information has been incorporated into the final supplemental EA under sections 1.7 “Permits, Licenses, and Entitlements” and 6.7 “Coastal Zone Management Act of 1972 (16 U.S.C. §1451 Et. Seq.)”.
2	EPA – Region 4	The EPA recommends the USACE more clearly discuss the status of the 401 water quality certification (and any exemptions) within the FONSI and applicable sections of the Final EA. If the USACE does not receive an exemption from the State of Florida, then the USACE should explain the status of complying with Section 401 of the CWA.	Thank you for your comment. In an email dated September 14, 2017, FDEP confirmed “...it appears as though the project still qualifies for the 403.813(1)(f) F.S. maintenance dredging exemption” (email included in Appendix A “Agency Coordination”). Additional information has been incorporated into the FONSI and section 1.7 “Permits, Licenses, and Entitlements” of the final supplemental EA to clarify the USACE response in the event that the project would not receive an exemption.
3	EPA – Region 4	The EPA recommends the USACE provide a statement of commitment to adhere to applicable ESA biological opinion terms and conditions within the FONSI.	Thank you for your comment. Additional information has been incorporated into the FONSI.
4	EPA – Region 4	The EPA recommends the USACE conduct a field survey of the upland placement area and other potential	Thank you for your comment. The upland placement area is a previously used and maintained

		impacted areas to determine the existence of wetlands and associated impacts.	dredged material management area. There are no wetlands within the upland placement site, and no natural connection exists between the upland site and the bay or channel. No survey will be conducted.
5	EPA – Region 4	The EPA recommends the USACE better explain the status of the EFH assessment and whether the aforementioned email constitutes an official EFH assessment determination from the NFMS within the Final EA. The EPA also recommends the USACE provide a copy of the EFH assessment and any corresponding NMFS determination documentation within the Final EA.	Thank you for your comment. Essential fish habitat (EFH) consultation between the USACE Jacksonville District and National Marine Fisheries Service, Southeast Regional Office (NMFS-SERO) is prepared consistent with guidance provided by NMFS-SERO in 1999 (included in Appendix A “Agency Coordination”). EFH consultation is not a standalone document, but is instead integrated into the EA. Coordination is initiated during the public comment period. Additional information has been incorporated into the final supplemental EA’s section 6.13 “Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended (16 U.S.C. §801 ET. SEQ.)” Consultation documents are included in Appendix A “Agency Coordination”.
6	EPA – Region 4	The EPA recommends the USACE discuss and document any outcomes from consultations with Native American tribes in the Final EA.	Thank you for your comment. Section 4.12 has been updated to include the results of consultation with Native American tribes.
7	Florida Department of Environmental Protection (FDEP) – Northeast District	We have no comments for this project.	Noted. Thank you for your review.

From: [Ford, Victoria](#)
To: [Stahl, Chris](#); [State Clearinghouse](#)
Cc: [Strong, Greg](#); [Maher, Jim](#); [Kallemeyn, Thomas](#); [Ford, Victoria](#)
Subject: NED RESPONSE - FL201708228126_PERIODIC MAINTENANCE DREDGING AND UPLAND DREDGED MATERIAL PLACEMENT OF THE HORSESHOE COVE FEDERAL NAVIGATION CHANNEL IN DIXIE COUNTY
Date: Thursday, September 07, 2017 10:07:44 AM
Attachments: [15Aug2017 Horseshoe Cove OM NOA for draft supp EA and proposed FONSI.PDF](#)

Good morning,

The Northeast District has reviewed the Corps' draft supplemental environmental assessment for the periodic maintenance dredging and upland dredged material placement of the Horseshoe Cove Federal Navigation Channel in Dixie County, and we have no comments for this project.

Please contact our office if you have any questions or need additional information.

Thank you.

Vic Ford
904-256-1505

From: State_Clearinghouse
Sent: Tuesday, August 22, 2017 3:50 PM
To: Tim Sagul <tjs@srwmd.org>; Ford, Victoria <Victoria.Ford@dep.state.fl.us>
Subject: Review_Request_For_FL201708228126_PERIODIC MAINTENANCE DREDGING AND UPLAND DREDGED MATERIAL PLACEMENT OF THE HORSESHOE COVE FEDERAL NAVIGATION CHANNEL IN DIXIE COUNTY

DEPARTMENT OF THE ARMY, JACKSONVILLE DISTRICT CORPS OF ENGINEERS - DRAFT SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT (EA) FOR THE CONTINUED PERIODIC MAINTENANCE DREDGING AND UPLAND DREDGED MATERIAL PLACEMENT OF THE HORSESHOE COVE FEDERAL NAVIGATION CHANNEL IN DIXIE COUNTY, FLORIDA

SAI# FL201708228126

Comments Due: 09/17/2017

Chris Stahl

Chris Stahl, Coordinator
Florida State Clearinghouse
Florida Department of Environmental Protection
2600 Blair Stone Road, M.S. 47
Tallahassee, FL 32399-2400

ph. (850) 717-9076

State.Clearinghouse@dep.state.fl.us

**Operations and Maintenance Dredging and Dredge Material Placement Horseshoe Cove
Federal Navigation Channel Supplemental Environmental Assessment (SEA)
Dixie County, FL
Jacksonville District, US Army Corps of Engineers (USACE)
US Environmental Protection Agency (EPA) Comments
August 31, 2017**

Coastal Zone Management Act (CZMA): On page 9, 1.7.2 CZMA HISTORY, the USACE discusses the CZMA and the 1995 Environmental Assessment (EA). In regards to the CZMA federal consistency determination, the USACE states, “No specific documentation on a final decision is available; however, through the Issuance of the Wetland Resource Management Permit in 1993, and with the subsequent exemptions, the state concurred with the FCD [Federal Consistency Determination].” This statement seems to be ambiguous and it is unclear as to whether the “exemption” applies to the CZMA determination. Later in the SEA (page 44, 6.7 Coastal Zone Management Act of 1972), the USACE states that the State of Florida found the project to be consistent with the CZMA by issuing exemptions in 2000 and 2008 and “It is anticipated that future exemptions will be issued, continuing this concurrence.” The EPA is concerned that the USACE has not properly documented that the proposed project is consistent with the state’s current CZMA plan. It is also unclear as to whether the exemptions from the State of Florida Wetland Resource Management Permit would also exempt the USACE from getting a CZMA consistency determination from the state. Recommendation: The EPA recommends the USACE clarify the status of the CZMA consistency determination with the State of Florida. Additionally, we recommend that the Final EA include any correspondences (letters, emails or conversations) that documents that the Wetland Resources Management Permit exemption also includes exemptions from the CZMA consistency determination. The EPA also recommends the USACE discuss the status of the Wetland Resource Management Permit exemptions.

Water Quality Certification: On page 38, 4.8 Water Quality, the USACE states, “The State of Florida originally permitted the project in 1993 under the Wetlands Management Permit... and required the USACE to comply with state of Florida water quality standards.” As previously discussed (see comment above and discussed in the draft Finding of No Significant Impact (FONSI), page 2, b), the USACE anticipates receiving a Wetlands Resource Management Permit exemption as they did in 2000 and 2008. However, the USACE does not clearly explain the status of the water quality certification as required by section 401 of the Clean Water Act (CWA). Recommendation: The EPA recommends the USACE more clearly discuss the status of the 401 water quality certification (and any exemptions) within the FONSI and applicable sections of the Final EA. If the USACE does not receive an exemption from the State of Florida, then the USACE should explain the status of complying with Section 401 of the CWA.

Endangered Species Act (ESA): On page 15, Table 2, *Threatened and Endangered Species* row under *Dredging and Placement at the Upland Site*, the USACE states that “All terms and

conditions of applicable United States Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) biological opinions will be implemented.” The EPA notes that the draft Finding of No Significant Impact (FONSI) does not provide a commitment to ensure the terms and conditions of applicable biological opinions are implemented. Recommendation: The EPA recommends the provide a statement of commitment to adhere to applicable ESA biological opinion terms and conditions within the FONSI.

Wetlands: On page 13, 3.2 Wetlands, the USACE states, “The USFWS National Wetland Inventory has identified wetlands near, but not within the upland placement site...” The EPA notes that the National Wetlands Inventory does not account for all wetlands and the EPA is concerned that the upland placement site might contain wetlands. Recommendation: The EPA recommends the USACE conduct a field survey of the upland placement area and other potential impacted areas to determine the existence of wetlands and associated impacts.

Essential Fish Habitat (EFH): On page 11, Table 1, *Essential Fish Habitat (EFH)* row and under the *2017 Supplemental EA* column, the USACE states, “No long-term adverse effects are anticipated.” Further in the SEA, in the EFH section (page 28), the USACE states, “A benthic inspection of the areas proposed for maintenance dredging was performed by staff from the NMFS Habitat Conservation Division on May 10, 2017. A brief Field Report and summary was provided via email on May 12, 2017, documenting that no attached/rooted SAV was observed within the areas proposed for maintenance dredging.” Additionally, on page 44, 6.13 Magnuson-Stevens Fishery and Conservation and Management Act, the USACE states that the EA contained an EFH assessment which would be coordinated with the NMFS and that the USACE had determined that the maintenance dredging would have no adverse effects on EFH. The EPA notes that there is no traditional EFH assessment documented within the SEA; however, there is a copy of a brief email from NMFS to USACE (Appendix A, email from Mark Sramek (NMFS) to Paul DeMarco (USACE) dated May 12, 2017) discussing the results of the field survey. Recommendation: The EPA recommends the USACE better explain the status of the EFH assessment and whether the aforementioned email constitutes an official EFH assessment determination from the NFMS within the Final EA. The EPA also recommends the USACE provide a copy of the EFH assessment and any corresponding NMFS determination documentation within the Final EA.

Native Americans: On page 29, 3.12 Native Americans, the USACE states that they have “...initiated consultation with the appropriate federally-recognized Native American tribes with ancestral ties to the region...”. Recommendation: The EPA recommends the USACE discuss and document any outcomes from consultations with Native American tribes in the Final EA. Additionally, the EPA works closely with both the Miccosukee Tribe of Florida and the Seminole Tribe of Florida on environmental matters and is committed to working with other federal partners to prioritize the Tribes’ water quality and water management concerns. EPA encourages consultation and coordination with the Tribes at all levels of decision-making.

From: [State Clearinghouse](#)
To: [Scheler, Kristen L CIV USARMY CESAJ \(US\)](#)
Subject: [Non-DoD Source] SAI# FL201708228126
Date: Wednesday, August 23, 2017 9:13:17 AM

To: Kristen Scheler

Re: Florida State Clearinghouse Project Review

Project SAI#: FL201708228126

Date Received: 08/18/17

Project Description: DEPARTMENT OF THE ARMY, JACKSONVILLE DISTRICT CORPS OF ENGINEERS - DRAFT SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT (EA) FOR THE CONTINUED PERIODIC MAINTENANCE DREDGING AND UPLAND DREDGED MATERIAL PLACEMENT OF THE HORSESHOE COVE FEDERAL NAVIGATION CHANNEL IN DIXIE COUNTY, FLORIDA.

The Florida State Clearinghouse has received the above-referenced project and has forwarded it to the appropriate state agencies for review. Please refer to the State Application Identifier (SAI) number in all correspondence with the Florida State Clearinghouse regarding this project. Applicants should expect to receive their State Clearance Letter 30-60 days from the received date. Additional information can be found at [Blockedhttp://dep.state.fl.us/secretary/oip/state_clearinghouse/manual2.htm](http://dep.state.fl.us/secretary/oip/state_clearinghouse/manual2.htm) <Blockedhttp://dep.state.fl.us/secretary/oip/state_clearinghouse/manual2.htm> .

Please submit all future project applications and correspondence by email to state.clearinghouse@dep.state.fl.us <<mailto:state.clearinghouse@dep.state.fl.us>> . If your submittal is too large to send via email or if you need other assistance, contact Chris Stahl at (850) 717-9076.

<Blockedhttp://survey.dep.state.fl.us/?refemail=State.Clearinghouse@dep.state.fl.us>



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
701 San Marco Boulevard
JACKSONVILLE, FLORIDA 32207-8175

REPLY TO
ATTENTION OF

Planning and Policy Division
Environmental Branch

AUG 15 2017

To Whom It May Concern:

Pursuant to the National Environmental Policy Act (NEPA) and the U.S. Army Corps of Engineers (Corps) Regulation (33 CFR 230.11), this letter constitutes the Notice of Availability of the draft Supplemental Environmental Assessment (EA) for operations and maintenance dredging and dredged material placement of the Horseshoe Cove federal navigation channel located in Dixie County, Florida.

A copy of the draft Supplemental EA is available to the public on the Corps' Environmental planning website, under Dixie County:
<http://www.saj.usace.army.mil/About/DivisionsOffices/Planning/EnvironmentalBranch/EnvironmentalDocuments.aspx>

(On that page, click on the "+" next to "Dixie County" and scroll down to "Horseshoe Cove". The documents available for download include the draft FONSI, draft supplemental EA, associated appendices.)

Questions or comments concerning these documents should be directed to Ms. Kristen Scheler at the letterhead address, via email to Kristen.L.Scheler@usace.army.mil, or via phone call at 904-232-2918 within 21 days from the date of this letter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gina Paduano Ralph".

Gina Paduano Ralph, Ph.D.
Chief, Environmental Branch